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Vol. IV

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1940

No. 14

REPUBLIC STEEL CORPORATION, PETITIONER,

vs.

NATIONAL LABOR RELATIONS BOARD AND STEEL WORKERS ORGANIZING COMMITTEE

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED FEBRUARY 7, 1940.

CERTIORARI GRANTED MAY 20, 1940.

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Redirect Examination

Q. (By Mr. Grossman) Mr. Webb, this Peg Amberson you were referring to on cross examination is an employee representative of this plan, the employees' representation plan?

A. Yes, sir.

Q. Is he now working in the mill, do you know?

A. I don't know, I haven't seen him.

Q. You stated also you were hit by some pipe?

A. No.

Q. You stated something about some pipe during the cross examination?

A. I think the question was asked if I saw any pipe. I said a piece had been thrown at us from the hot metal bridge.

MR. DAY: That is what he said.

Q. Will you explain that? This hot mill bridge, is that on company property?

A. That is the hot metal bridge, is over Main Street. That is, from the blast furnace to the open hearth.

Q. Well, is that on company property?

A. Yes, sir, that is a company bridge.

Q. There were not any pickets up on that bridge, were there?

A. No, sir.

Q. That pipe was thrown at you and several others, from that bridge?

A. Thrown at the pickets.

MR. GROSSMAN: That's all.

MR. DAY: That's all.

TRIAL EXAMINER LINDSAY: That's all, Mr. Webb.

(Witness excused.)

ELI PARKOVICH

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Grossman) What is your full name, Mr. Parkovich?

A. Eli Parkovich.

Q. What is your address?

A. 2484 Burton Street, S. E., Warren, Ohio.

Q. Are you a member of the CIO?

A. Yes, sir.

Q. When did you join CIO?

A. May 13.

Q. May 13, 1937?

A. Yes, sir.

Q. Do you remember May 12th?

A. Yes, sir.

Q. 1937, in the mill, talking to Mr. Michels, the general labor foreman?

A. Yes, sir.

MR. SMITH: Mr. who?

MR. GROSSMAN: Michels.

MR. SMITH: How do you spell that?

MR. GROSSMAN: M-i-c-h-e-l-s.

Q. Will you tell us, Mr. Parkovich, just what happened then?

A. Just when I come at work May 12th, 11 o'clock at night.

MR. DAY: I want to object to this conversation on the grounds already stated in the record, to similar conversations, no authority to bind the company.

TRIAL EXAMINER LINDSAY: You said "general foreman"?

Q. Mr. Michels, what is his position in the mill?

A. He is general foreman, assistant superintendent.

Q. He is assistant superintendent?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

A. When I come at May 12th, 11 o'clock on my turn, and Mr. Michels and labor representative was sitting in his office waiting on me coming.

Q. Who was the employee representative in Mr. Michels' office?

A. Glen Helen.

Q. Glen Helen and Mr. Michels was sitting in his office?

A. Yes, sir.

Q. When you got back?

A. Yes, when I come in.

Q. Had they sent for you?

A. Yes.

Q. Who sent for you?

A. Why, he was in, you know, that same place where we all got meeting, he has got one room for office, another man for men working.

Q. When you came from the shed to the office of the shed, he was in the next room?

A. Yes.

Q. Then what happened?

A. He asked me to get my men to join company union.

Q. Mr. Michels asked you?

A. Yes, I say, "I know nothing about it," before I take the men up. Then he ask me, he say, "You join the company union." I say, "Not yet." He say, "You know everybody wants to work, got to join the company union."

Q. He said, "Everybody who wants to work here must join the company union?"

A. Yes. I say, "All right." I sign mine up, then.

Q. You said you would sign up?

A. Yes. So he say, "I want you to get everybody all you men in too tonight." He say, "If men don't want to sign, you take his name and number, give him—give to me in the morning, I go get ready with him."

Q. He said, that you would take the names and addresses of the men in your gang?

A. Yes, which don't want to sign up.

Q. And give them to Mr. Michels in the morning?

A. Yes.

Q. Mr. Michels told you that?

A. Yes.

MR. DAY: I don't want to object, but he has a habit of repeating every answer the witness makes, every time.

MR. GROSSMAN: Mr. Examiner, time and again Mr. Day has been asking me what the witness said. Now, to make it easier for him to verify such matters, I do that.

MR. DAY: I don't want to be captious or object, but every time he repeats the answer—

TRIAL EXAMINER LINDSAY: Well, now listen, I think possibly with this type of a witness it is all right, as long as he repeats it as the witness gave it.

MR. DAY: Oh, I think he is doing that. I think he did that.

TRIAL EXAMINER LINDSAY: You have no doubt but what he is doing that?

MR. DAY: I think he is doing that, but it makes it twice as long, to have the answer given twice.

TRIAL EXAMINER LINDSAY: Yes, I realize that, Mr. Day. Go ahead.

(The record was read by the Reporter.)

BY MR. GROSSMAN:

Q. Now, when you signed the card, Mr. Parkovich, I hand you Board's Exhibit No. 79 and ask you if that is a copy of the card you signed?

A. Yes, that is copy of the card that I signed May 12th.

Q. Did the other men in your gang sign up, the eleven men?

A. Everybody signed except the one.

Q. Except one?

A. Yes.

Q. Did you ever see that man again?

A. Yes, I do.

Q. Is he working in the mill now?

A. No, he didn't.

Q. He didn't work in the mill?

A. No.

Q. Did you go out on strike on May 26th?

A. How is that?

Q. Did you go out on strike on May 26th?

A. May 26th I come home from work 7 o'clock in the morning. I was home and sleeping, getting ready for going out tonight on my turn again.

When I started to go down in the mill, before I gets in the mill, men was walking on the street, turn me back. Ask me where I going. I say, "I going to work." He say, "No, you ain't going to work tonight. Strike. You better go home." I have my lunch in my hand, I just walk back.

Q. Did you ever try to get your job back after that?

A. After that I go down in the mill when gate was open and men started to walk in back and forth.

Q. When was that, do you remember?

A. I couldn't remember. I think I called my superintendent inside, middle of July, after the gates was opened and so men—not many pickets on, you know. I called my superintendent, asked him for my job.

Q. You called him on the telephone, do you mean?

A. Yes, he told—

Q. Yes, who is your superintendent?

A. Mr. Gardner Haynes.

Q. Haynes?

A. Yes.

Q. What did Mr. Haynes say to you?

A. I called him on the phone, I asked Mr. Haynes, I says, "I understand the gates are open, men go home at this time, go in and out." I say, "I like to get back my job." He say, "Eli, you refuse me coming in three times when I called you before," he said, "I got a new man on the job."

Q. When did he call you?

A. He called me the first time on the first week in June.

Q. The first week in June?

A. Yes.

Q. Right after the strike was called?

A. Right after strike was called. Then he called me second time in the same week. Then he called me once in second week in June again, after that he ain't called me any more.

Q. Never called you after that?

A. I couldn't go in because night was so lots of pickets, I was afraid to go in.

Q. Did you ever call Mr. Haynes again?

A. No, I didn't. He told me he got another man on my job. I ain't called him after that, any more.

Q. When did you start to work for Republic Steel Corporation?

A. I started to work down there with the Trumbull Steel in 1920, in December.

Q. That is the Republic Steel Corporation, now?

A. That is the Republic Steel Corporation now.

Q. That is the Warren plant, Trumbull Steel?

A. Warren plant.

MR. GROSSMAN: That's all.

Cross Examination

BY MR. SMITH:

Q. What was your job down there in—

A. First when I started I was laborer for about eight or nine months. After that they gave me a gang of men. Then I was foreman since that time right on.

Q. You were foreman from that time up until the time of the strike?

A. Yes, sir.

Q. And you were foreman in what department?

A. Labor department.

Q. Labor department?

A. Yes.

Q And you had 11 men, you say, working for you?

A. Oh, I have lots of men working for me; sometimes 50 or 60, what everybody is gives to me; 30, 35, whatever they give to me.

Q. I heard you say something about 11 men a while ago, I didn't quite understand it.

A. No, I didn't say 11 men.

Q. I see. I had understood you to say something about 11 men and that all of them but one signed up?

A. I say everybody signed up but one man didn't sign up.

Q. Oh, well, how many men at that time?

A. At that time was around 35 that night.

Q. Around 35?

A. Yes.

Q. And you say you were the foreman of this gang?

A. Yes, I was.

Q. Well, then, how could you, as foreman, be eligible for membership in the representative union?

A. I didn't get that.

Q. I say in the representative union, would you be eligible for membership in that union?

A. If he asked me, you say?

Q. No.

TRIAL EXAMINER LINDSAY: Just a minute.

Q. Would you have a right to join?

A. Which union? The company?

Q. Well, you call it the company union, I am calling it the employees' representation plan.

A. Yes, he told me to join company union, first time, my boss told me to get every man in and at the same time he told me when C. I. O. coming he say, "Why don't you be a member of the C. I. O." My boss told me that, too.

Q. Your boss wanted you to be a member of the C. I. O.?

A. Yes, make me say I would be member of the C. I. O. too. That is my—

Q. Do you mean that—Now, what was your boss' name?

A. Mr. C. G. Michel.

Q. Mr. C. J. Michel?

A. Yes, sir.

Q. And he made you join the C. I. O.?

A. Yes, sir, he make me away ahead only in spring he told me that.

Q. And you joined on the 13th?

A. Yes.

Q. And that was on May 13th that you joined the other, signed up the other?

A. On the company, they make me do it. I do it, whatever he say.

Q. Well, now, you say it was about the 15th of July that you called up and asked if you could get your job back?

A. Yes, around the middle of July, yes.

Q. Were you on the picket line?

A. I just got down in the morning and see those fellows on picket, of course, I was outside, I couldn't do nothing home, stay home, look around, well, I went down to see men down there on the line.

Q. Did you spend a great deal of your time down there seeing the men on the line?

A. No, I ain't going much down there, you know, when I go down I never stay but about ten or fifteen minutes, then I go on back home.

Q. Did you have some kind of a ball bat or a club of any kind that you were carrying around with you?

A. I tell you I got that too. Men was down, had some stick in the hand, you know, something. I take it out of his hands, I say, "What are you going to do with this?" "Oh," he say, "I need that sometime."

So he gave to me in my hands and I have it in my hands.

I say, "If policeman do like you fellows do," I says, "never policemen." He say, "How is that?" I say, "Policeman never give his stick out of his hands." Then I give his stick back.

Q. I see. That was one of the pickets on the picket line that you were talking to?

A. Yes, was lots of men, you know.

Q. Yes, lots of them there with clubs, is that right?

A. Yes, lots of men. Then I see.

MR. GROSSMAN: I object.

MR. SMITH: I am asking him if it is true, what he said.

TRIAL EXAMINER LINDSAY: All right.

MR. GROSSMAN: I object to the use of the word "club."

TRIAL EXAMINER LINDSAY: Listen, Mr. Smith, with this type of witness, be careful of what you are putting in your questions, because he doesn't understand.

MR. SMITH: I repeated what he had said, your Honor.

TRIAL EXAMINER LINDSAY: No, I think not. He was talking about a stick and you put in there

"lots of men with clubs." Now just don't take advantage of the witness.

MR. SMITH: I don't want to.

TRIAL EXAMINER LINDSAY: We only want the truth as it comes from the witness.

MR. SMITH: That is true.

TRIAL EXAMINER LINDSAY: That is all we are expected to do.

BY MR. SMITH:

Q. Now, you were speaking about—that you took this man's stick for a while and you sort of kidded him about it, that he would not make a good policeman?

A. Yes.

Q. Because he had given up his stick?

A. Yes.

Q. Is that the idea?

A. That is the idea.

Q. Now, what did you mean when you saw lots of—you said you saw lots of other men around there. Did they have sticks also?

A. Well, some of them did, some of them didn't have it.

Q. I see.

A. I see a pile of brick, good brick laying alongside of the ditch, and I see some nuts about inch and a half, I say, "How you fellows get this stuff?" He say, "From inside."

I say, "How you get it from inside?" He say, "Did you hear, last night, was fight on the bridge, by railroad on Pine Street?" I say, "No, I ain't know anything about it. I was sleeping last night."

He say, "A couple of pickets throwed in hospital got head busted from those fellows on inside throwing that stuff. We bring it, save it for ourselves."

Q. They had it piled up in a convenient place for their use, didn't they?

A. Yes, they were to use it if they needs it. That is what they told me.

Q. Now, you say that when you called up your boss, that is Mr. Haynes, the foreman, about the 15th of July, that he said that he had called you three times to come to work, and that now he had gotten another man in your place?

A. Yes.

Q. That is right?

MR. SMITH: I think that is all.

Redirect Examination

BY MR. GROSSMAN:

Q. Mr. Parkovich, these nuts that you say were new nuts?

A. Yes.

Q. Did the pickets tell you they were thrown at them, is that the way they got them?

A. Yes, that is right, they got from inside, you know, men was come out from inside, use on them pickets. They tell me that.

Q. You didn't see any of the pickets take those nuts and throw them after that, did you?

A. No, I didn't. Just what he told me.

MR. GROSSMAN: That is all.

(Witness excused.)

(Thereupon at 12:20 p. m., a recess was taken until 1:30.)

AFTERNOON SESSION

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 o'clock p. m.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

Now the adjournment will be to Cleveland, and we will reconvene Friday morning at 9:30 o'clock. The Court House or place of hearing is not as yet designated and Mr. Lauter, will you notify Mr. Day and Mr. Smith of the place where the hearing will open on Friday morning at 9:30 o'clock?

MR. LAUTER: Is Mr. Smith going to be there?

MR. DAY: If it is going to be the Court House in Cleveland, he can notify us, if he wants to, but we will not have any trouble finding them, if it is in the Court House.

MR. LAUTER: I will be very glad to. It is my understanding it will be a room in the County Court House. Definite arrangements will be made either today, or tomorrow some time, and I will be glad to call Mr. Day's office and let him know.

TRIAL EXAMINER LINDSAY: Let me see, Friday is the 27th of August, is it not?

MR. DAY: That is right.

MR. LAUTER: That is right.

TRIAL EXAMINER LINDSAY: So the adjournment, then, is to Cleveland on August 27th, 1937, at 9:30 o'clock a. m.

MR. DAY: All right.

(Whereupon, at 1:36 o'clock p. m., August 24, 1937, the hearing was adjourned to 9:30 o'clock a. m., August 27, 1937.)

Courtroom No. 3, Cuyahoga County Courthouse, Cleveland, Ohio, Friday, August 27, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., and Earl W. Lefever, Esq., Cleveland, Ohio, appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

ALEX BALINT

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. Will you state your name, please?

A. My name is Alex Balint.

Q. And where do you live?

A. I live 1934 West 47th Street.

Q. Have you been employed at the Republic Plant?

A. Yes, I was employed at the Corrigan-McKinney Works of the Republic.

Q. Is that here in Cleveland?

A. I am.

Q. I say, is that plant here in Cleveland?

A. That is right.

Q. When did you start working there?

A. I started work for the Corrigan-McKinney Plant in May, 1934.

Q. What kind of work were you doing when you started there?

A. I was hired as chipper.

Q. Have you ceased your employment with Republic?

A. I was dismissed, December, 1935.

Q. Were you a chipper at that time?

A. I was.

Q. What are you doing at the present time?

A. I am an organizer for the Steel Workers Organizing Committee.

Q. And when did you start organizing for the Steel Workers Organizing Committee?

A. June—July, 1936.

Q. Are you a paid organizer for the S.W.O.C.?

A. I am.

Q. What are some of your activities as organizer?

A. Well, my main assignment was to organize the Corrigan-McKinney Workers of Republic in Cleveland, here, but my general activity is to organize steel workers wherever I can.

Q. In connection with your activities as organizer have you been distributing leaflets, handbills, notices of meetings?

A. Yes, many times.

Q. Do you recall January 12, 1937?

A. Yes.

Q. Were you engaged in the distribution of leaflets or literature on that day?

A. On January 12th we had planned to call a mass meeting of the Republic employees, of all four plants. On that day I and another fellow went to the Corrigan-McKinney works to pass out handbills calling for this meeting.

We went there with no idea of any trouble of any kind, but for the purpose of distributing our handbills to let the

employees know that there was such a meeting taking place.

When we got to the gate a skinny fellow with the company uniform, I believe his name is—they call him Sergeant Brecan, came out of the plant with his hand in his pocket and part of his hand was sticking out and we could see that there was a strap on there and I took it for granted that it was a blackjack.

MR. DAY: I move that be stricken out, the last part.

MR. LAUTER: Just one second. I will consent that so much as refers to "took it for granted" be stricken out.

TRIAL EXAMINER LINDSAY: Yes.

Q. Go ahead.

TRIAL EXAMINER LINDSAY: That he took it for granted that it was a blackjack may be stricken.

A. This fellow came and he sniffled around me several times, not looking at my face, but looking at my shoes and I thought that the general idea of the thing was that I should look—

MR. DAY: I object to what he thought.

A. That I was to look down.

MR. LAUTER: Just one second.

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: Yes, just tell what you actually saw happen.

A. Well, he walked around several times looking at my shoes he came very close to me, all the time looking at my shoes, never looking up at me. Well, I didn't look down. I always watched his face and his activities, to see what he was going to do.

After circling for several minutes around, then the fellow that was with me, he circled around him also, and I followed him when he was circling him. In this way there was no trouble, and we distributed our handbills and we went away.

Q. Now, did you distribute handbills after January 12th, 1937?

A. Yes, the following day we decided to cover the Truscon Steel Company Plant of the Republic, that is located on 55th and Truscon Avenue. On that day Vincent Favorito and another fellow and I went to the Truscon Steel Plant with the idea in mind of distributing our literature announcing a mass meeting to the employees there.

Q. When was the mass meeting set for, do you recall?

A. That was set for January 13th, 7:30 p. m. in the National Bohemian Hall on Broadway and 49th Street.

So when we got to the gate there of the Truscon we parked our car on the street by the main office and we got out of the car and as we approached the plant we saw three company guards and a plain-clothes man, a man dressed in plain clothes, whispering together. I told Favorito at the time that we walked towards the plant that something—something must be up—

MR. DAY: I object to what he told Favorito and move it be stricken out.

TRIAL EXAMINER LINDSAY: The objection is overruled, and let the record show an exception.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: That objection is overruled. The record may show an exception.

A. —and as we got nearer to the plant to the main gate there on Truscon Avenue, this fellow was dressed in plain clothes, smilingly walked into the mill, the other three Company guards laughingly went into the booth on the side and at that time we thought nothing more of it and hardly had this fellow and plain clothesman walked into the mill, we took our positions by the gate there waiting for the men to get out at 3:30; at 3:25, about five minutes before the men came out, and a great big fellow with a blue lumber jacket came out of the mill and Favorito to my right, offered him a leaflet, said that—thinking he was an

employee, since he was dressed in workmen's clothes.

MR. DAY: I object to what Favorito thought. I move it be stricken out.

TRIAL EXAMINER LINDSAY: That will remain. Objection overruled. The record may show an exception.

A. Favorito handed the man a leaflet. He refuses Favorito's leaflet and he come towards me. Still thinking he was an employee, started to hand him one of the circulars that we were distributing, that was announcing the meeting. The fellow took it and he came alongside of me, to the back of me, on my left and—is it all right to mention here what he called me?

TRIAL EXAMINER LINDSAY: Yes.

A. And he came almost to the back of me, he took the leaflet with the left hand and as he got to the side of me, almost to the back of me, he somehow or other grabbed—pushed this arm in the back and whirled me around and at the same time he said, "You dirty son-of-a-bitch, get the hell away from here" and he walks around and swings with his right arm and as I turned around I could see he had brass knuckles on his right arm, as he hit me in the eye there, at which time we went down to the court and he ran through one of the alleys.

Q. What happened after that?

MR. DAY: I move to strike. There is no evidence tending to show that the man who struck this witness was connected with the Respondent, had no authority to act for the Respondent, was not an agent or representative in any way.

MR. LAUTER: I ask it be admitted; subject to connection.

TRIAL EXAMINER LINDSAY: Let the record show the objection is overruled and an exception noted.

A. After that another one of the organizers happened to come upon the scene and he, together with another fel-

low, took me to the hospital, while Favorito and this other fellow that first came with me, remained there. After while as they continued to pass out leaflets, while the other boys took me to the hospital to have my eye repaired. I had three stitches on this eye and this eye got infected as a result of it and I had to have that lanced and as we were going past, going to the hospital, a fellow by the name of Walter Maloney, Maloney was his alias. His real name was Walter Jergis, he was standing in the front there. That is the first time I saw him at the plant. He continued to call us further names, telling us we got what we looked for. We paid no attention to him and went to the hospital.

Q. Did you ever return to distribute leaflets again?

A. Yes, we did.

Q. When was that?

A. That was exactly on January 25. We again returned to the Truscon plant, to pass out literature. This time it was not for a mass meeting. It was to pass out a paper of the steel workers. They call it "Steel Labor." We went there with a group of people, and we got in the plant, I believe it is on 61st Street, the street right alongside on 65th Street, we parked our cars there and I recognized Captain Jones. He is the head of the Republic Steel Corporation at Corrigan-McKinney Works.

He was there with 30 or 40 other people, some of them Company guards that I personally recognized. They were standing in front of the plant there.

As our group approached the plant they made a rush and met us in the middle of the street, at which time one of the first ones of Captain Jones' crew hit Vincent Favorito's brother Benny in the mouth and he in turn hit him and then I guess Captain Jones changed his men, because he called off his crew off the street, and told them to stay right by the plant.

At that time we decided we did not want any trouble

and we did not come there for any trouble. We came there for —

MR. DAY: I object to what they decided. I move to have it stricken out.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: What they decided among themselves?

TRIAL EXAMINER LINDSAY: Yes.

A. We decided we did not want any trouble so we got together there and we decided to go away and as we were going away, we saw that the employees were coming out on 55th and Truscon Avenue, so we stopped there right along there and we handed out some of our papers on 55th and Truscon Avenue, which is about 125 yards away from the plant.

As we neared giving out all our papers, we saw Captain Jones and his crew was coming down towards us again on 55th Street. Well, we again decided we did not want any trouble, so we got in our cars and we went back to the Heights Manacor Hall.

Q. Did you see the person who hit you on January 13th at any other time?

A. On that date, January 25, that I just recited, I saw this fellow for the first time since he hit me. He was in Company uniform.

Q. When you say that, you mean mill policeman's uniform?

A. Yes; mill policeman's uniform. This individual got so excited that he pulled out his gun on Truscon Avenue. That was the first time I saw him since he hit me.

MR. LAUTER: That is all.

TRIAL EXAMINER LINDSAY: Wait a minute.

Cross Examination

BY MR. DAY:

Q. You worked for the Republic Steel at one time?

A. Yes.

Q. How long did you work for the Republic Steel?

A. I worked for Republic Steel since 1934.

Q. Well, up until when?

A. At one time I was laid off for a short time and then I was again reinstated and worked until I was fired from the plant.

Q. When were you fired from the plant?

A. The exact date is September 13th, 1935.

Q. What were you fired for?

A. Because I had visited Massillon and Canton to investigate wage conditions, and I was a Company representative at the plant.

Q. Company Union representative?

A. Yes.

Q. Under the Company representative plan?

A. Yes.

Q. How long were you a representative?

A. From June, 1935. I served until my discharge.

Q. Where did you work before 1934, before you worked for Republic?

A. I worked several places.

Q. Where?

A. I was in Youngstown for a while.

Q. At what time?

A. I didn't work at any time in Youngstown.

Q. What did you do in Youngstown?

A. I was there with some of my friends. I have worked in the Massillon-Springfield Corporation.

Q. What did you do in Youngstown?

A. I didn't work.

Q. What did you do?

MR. LAUTER: I object to this line of inquiry.

MR. DAY: I think we have the right, if the Examiner please, to find out the past experience and the career of this man who is testifying to violence.

MR. LAUTER: There is no testimony that this is a discharged employee. He is not named in the complaint. I see no reason for going into the work he did prior to when he worked for Republic.

TRIAL EXAMINER LINDSAY: I do not think it makes any difference as long as he was not arrested.

MR. DAY: It tends to show who he is and what his career was.

TRIAL EXAMINER LINDSAY: I think I will sustain the objection and you go ahead and cross-examine.

MR. DAY: I want to direct some more questions along the same line.

Q. How long did you live in Youngstown? Do not answer, and maybe the Examiner will sustain the objection.

A. I stayed in Youngstown for about three months.

Q. What did you do?

A. I went there with the idea of getting a job.

Q. What did you do when you were there?

MR. LAUTER: I object to similar questions, and the objection has already been sustained.

TRIAL EXAMINER LINDSAY: That is sustained. The record may show an exception.

Q. Where were you before you went to Youngstown?

A. I was in Cleveland.

Q. Were you working in Cleveland?

A. Part of the time, yes. Those were the days of the depression, very few people were working.

Q. Where did you work?

A. Machman Springfield Corporation.

Q. Will you spell that name?

A. M-a-c-h-m-a-n Springfield Corporation.

Q. How long did you work for them?

A. I worked—

MR. LAUTER: I am going to renew my objec-

tion to this line of inquiry. I think the Court sustained my objection to it.

TRIAL EXAMINER LINDSAY: I think I will let Mr. Day go into that.

A. I worked for them off and on for three or four months.

Q. As near as you can fix the date, through what months did you work for them?

A. What months?

Q. Yes.

A. That was during the months of—winter months of the year 1934.

Q. 1934?

A Early part of 1933, too.

Q. And the early part of 1933?

A. Yes.

Q. How long would you say that you worked for them altogether?

A. About three or four months; it was part time work.

Q. Did you work somewhere else in Cleveland before that?

A. I worked on PWA.

Q. How long?

A. I don't recall. I believe it was as long as it lasted.

Q. You became an organizer for the S.W.O.C. in July, 1936?

A. That is right.

Q. That is right?

A. Yes.

Q. At that time you were not working, were you?

A. No.

Q. How long had it been that you had not been working prior to the time you took up with the C. I. O. in July, 1936?

A. You mean in the mill?

Q. Anywhere?

A. I was there working part time for Machman. I helped the other fellow out, the shipping clerk.

Q. That is between December of 1933 when you quit the Republic under the circumstances you have detailed and July, 1936, when you started working as an organizer for the S.W.O.C. on C. I. O., you worked a little while for the same company, and Machman Company?

A. That's right.

Q. About how long?

A. Couple months.

Q. Did you work for anybody else during that period?

A. Nobody.

Q. What did you do?

MR. LAUTER: I object.

A. I lived the best way I could live.

MR. DAY: This is between the time he quit the Republic and started with C. I. O.

MR. LAUTER: I will withdraw my objection, so he may answer.

TRIAL EXAMINER LINDSAY: He may answer.

A. I answered that question.

Q. That you lived the best you could?

A. That is right.

Q. You started as an organizer in July, 1936?

A. That is right.

Q. When did you start to work with the guard to the Republic employees? Right away?

A. Right off, even before I was put on.

Q. Even before you become an organizer?

A. That is right.

Q. When did you start to work, then, recruiting members for C. I. O. at Republic?

A. In the middle of June.

Q. How did you come to do that on your own hook?

A. Because I wanted to see that plant, of all plants, organized.

Q. You wanted to see it organized?

A. That is right.

Q. Well, you didn't belong to C. I. O. at that time yourself, did you.

A. I joined at that time.

Q. Well, you joined—

A. I was not an organizer yet, but I was going out to organize that plant.

Q. Did you join C. I. O. as a member before you became an organizer?

A. Oh, yes.

Q. When did you join C. I. O. as a member?

A. In the middle part of June.

Q. Of 1936?

A. That is right.

Q. And then you started work at Republic, is that right?

A. I started to work.

Q. With Republic men?

A. That is right.

Q. Trying to get them to join C. I. O.?

A. Yes, sir, right.

Q. January 12, 1937, you told us about some circling take place, didn't you? Some skinny fellow, you said you thought was Sergeant Brecan and some other fellow. The fellow that was with you?

A. Yes.

Q. And who was that?

A. A fellow by the name of William Wimmer.

Q. Where is he now, do you know?

A. No, I don't.

Q. Was he a C. I. O. man, too?

A. He was always with me, he was helping me out.

Q. Well, there was no hitting by anybody that day?

It was just circling, is that right?

A. That is right, he circled around us several times watching our feet. In his hand we saw a strap.

Q. Yes.

A. And he kept that hand in his pocket all during this circling. He circled there for three or four minutes, at which time he went into the plant.

Q. Well, then you started to circle, too?

A. I started to circle him. I figured that the man was going to hit the other fellow that was with me, with the blackjack, and I started circling, to follow him.

Q. And then Wimmer started to circle, too?

A. No, he didn't start to circle.

Q. Did he start to circling, at all?

A. No.

Q. Well, you and the man, the skinny fellow were circling?

A. That is right.

Q. What was the other fellow doing, standing still?

A. Yes, still.

Q. The man Wimmer?

A. Yes, he was standing still.

Q. I thought you said—maybe you didn't say it, but I understood you to say, to Mr. Lauter in direct examination that the other fellow who was with you started to circle on the outside, didn't you say so?

A. No, I didn't

Q. He just stood still on the outside, is that right?

A. That is right.

Q. All right. Now, in January—that was January 7th, was it, or January 12th?

A. That was on the 12th of January.

Q. Now, you told something about that occurrence on January 13th—17, which was it? That time Favorito went with you.

A. 13th.

Q. Who is Favorito?

A. The man sitting right there.

Q. That little fellow sitting right over there?

A. That is right.

Q. Yes, he is very active in C. I. O., isn't he?

A. Very active.

Q. He attends all of the hearings, does he not?

A. Well, he attends the hearings

Q. All right, is he a C. I. O. organizer also?

A. Yes.

Q. About how long has he been a C. I. O. organizer, to your knowledge?

A. He started at the same time that I did.

Q. Now, who is the other fellow who was with you and Favorito at the time this happened?

A. The same fellow, Bill Wimmer.

Q. Bill Wimmer? And at that time you say that there were three company cars and a plain-clothes man?

A. Yes.

Q. You saw, when you went up there, they were standing between the—

A. They were standing between the booths on Truscon Avenue, the police booth and the main gate, by the office, there, the employment bureau.

Q. Now, just where were you three men standing?

A. We were on the other street, opposite 55th. We had just parked our car and we were coming towards the gate. We were walking—we were not standing.

Q. Which plant was this?

A. At the Truscon Steel.

Q. Truscon Steel? And you had driven to—whose car was it, Favorito's or yours?

A. It was my car, it was a Studebaker coupe which was later ruined for me by the Republic.

Q. Well, did that belong to you?

A. It did.

Q. And you drove up there and stopped in the street, is that right?

A. I parked my car on the street.

Q. Then you got out?

A. All three of us got out.

Q. Yes, now how far was that away from the gate or the police booth, where these men were?

A. Oh, that was about 75 yards away.

Q. Was this police booth near any particular gate at Truscon?

A. Oh, yes, it is near the main gate where the employees go in and out. They go in through the main office —between the main office and the employment office, and they go right through and punch their cards there.

Q. After you stopped your car at the curb, what did you and Favorito and the other fellow do?

A. We got out, we stopped the car, we got out handbills out and we walked towards the mill, we were going to pass the handbills out.

Q. About how close did you get to the police booth or to the gate in feet, would you say?

A. Closer than I am to you right now.

Q. Well, now, I don't know how far you are from me, I suppose it is a matter of six or eight feet, something of that kind. In feet, about how close did you get to the police booth, you and Favorito and the other fellow?

A. We were right between the police booth and the main gate.

Q. And how close to the main gate were you, in feet?

A. We was right in front of it.

Q. Well, were you—

A. We were close to it.

Q. Were you two feet away from it, three feet or four feet?

A. The main gate is situated right off the sidewalk and we were on the sidewalk.

Q. You were right on the sidewalk?

A. That is right.

Q. By the main gate?

A. That is right.

Q. Just a few feet from the main gate?

A. That is right.

Q. And you were there when this occurrence you told about took place, is that right?

A. I was.

Q. Now, is that the time that the man with the blue lumber-jacket—I understood you to say there was some fellow with a blue lumber-jacket?

A. Yes.

Q. Or blue lumberman's jacket or something of that kind?

A. No.

Q. Struck you? Was it at that time or was that later, the same day?

A. The way that happened was that—

Q. Well, in the first place, to get this straight, that happened at the time that you and Favorito and the other fellow got out of the car and came up close to the main gate as you have been just telling me? Did it happen at that time or did it happen later on the same day?

A. Shortly after that time.

Q. How long after?

A. When we got near the plant.

Q. Yes.

A. We approached the plant, we took our positions, I mean in front there, a few feet away from the main gate.

Q. Yes.

A. It is not a gate, it is the main office and the employment office.

Q. All right.

A. As we got there, this fellow that was in plain clothes walked into the mill.

Q. Yes.

A. He was filing. These other three policemen walked into the police booth.

Q. Yes.

A. It was after this fellow in plain clothes had walked into the mill, or it was a minute after he walked into the mill that the big fellow with the blue jacket came out.

Q. Well, did the big fellow with the blue jacket come out by himself or did he come out with a crowd of men?

A. He came out by himself, five minutes before the rest of the employees came out.

Q. All by himself?

A. All by himself.

Q. When the big fellow with the blue jacket struck you as you have described, who all were there?

A. Vincent Favorito and this William Wimmer that I said was there, at the first.

Q. Anybody else?

A. Not at that time, except the three policemen, they were—

Q. Now, just where were you standing with reference to the gate, when the fellow with the blue jacket struck you?

A. Directly in front of the gate.

Q. Directly in front of it?

A. Absolutely.

Q. On the sidewalk?

A. On the sidewalk.

Q. About how many feet from the gate would you say?

A. Not more than five or six feet.

Q. That is, at the time you were taken to the hospital?

A. Shortly after that.

Q. And do you say there was nobody there at all except you and Favorito and Wimmer, and the fellow with the blue jacket, at the time this took place?

A. The three company guards were there.

Q. Three company guards were there, and where were they?

A. They were laughing among themselves, in the booth.

Q. How far away from you, from where this took place?

A. Oh, not more than ten feet.

Q. Now, the next that you are telling us—you are telling us next about something that took place on the 25th of January?

A. Yes.

Q. That is when you went down to the Truscon Plant?

A. That is right.

Q. And you were going there to circulate and distribute a book known as "Steel Labor"?

A. Yes.

Q. How many went with you at that time?

A. Oh, about 15 or 20 men.

Q. 15 or 20 C. I. O. men?

A. That is right.

Q. Did Favorito go along that time again?

A. He was along.

Q. You say at that time you saw Captain Jones?

A. Yes.

Q. Now, there was no fighting or hitting that day, was there?

A. Oh, yes.

Q. What took place that day?

A. We parked our car at the same place where we parked on January 13th alongside of the main office, there.

Q. Yes.

A. And we started going near the plant with our "Steel Labor" on one hand and we were going to pass it out. When we got in the middle of Truscon Avenue just in front of the Truscon Steel Plant right by the main gate where I was hit before, they rushed us.

Q. About how many of them?

A. Oh, there must have been 40 of them.

Q. About 40 in that crowd, and about 15 in yours?

A. Something of that kind.

Q. Just where were you standing at the time this took place? You and the crowd you were with? Were you on the sidewalk or in the street or where?

A. We was in the middle of the street.

Q. You, yourself, where were you?

A. I was right in the middle of the street.

Q. Were any of you on the sidewalk?

A. Some.

Q. And were you approaching toward the gate at the time this happened?

A. Towards the gate.

Q. Towards the gate?

A. On city property.

Q. You and your crowd were coming towards the gate?

A. Yes.

Q. Now, there was a scuffle at that time, is that right?

A. As I said, when we got in the middle of the street they rushed us, Captain Jones' men rushed us. The first fellow to meet our men was a skinny fellow with freckles on, I would recognize him anywhere. He hit Vincent Favorito's brother Benny and hit him in the mouth, and Favorito in return hit him and Captain Jones—

Q. Do you mean Benny Favorito or this Favorito?

A. That is this Favorito (indicating).

Q. All right.

A. So blows were exchanged right in the center of the street there and evidently Captain Jones changed his mind because he called out to his men to come back.

Q. He called to his men to come back?

A. He called his men to come back.

Q. Then did they come back?

A. After a while they came back.
Q. Then did your fellows go away?
A. We stood there for about five minutes.
Q. And then went away?
A. Then we didn't go away.
Q. What did you do?
A. We went around the block and caught the employees as they were coming out.
Q. At another gate?
A. No, not at another gate. As they neared the street, 55th Street.
Q. Oh, I see. After they had come out of the gate a ways?
A. That is right.
Q. These different episodes that you describe, as I understand took place at the Truscon Plant; is that right?
A. Where the meetings took place?
Q. Yes.
A. And the fight?
Q. Yes.
A. That is right.
MR. DAY: That is all.

Redirect Examination

BY MR. LAUTER:
Q. The Truscon Plant is a part of Republic Steel Corporation, is that right?
A. That is right.
MR. LAUTER: That's all.
(Witness excused.)

VINCENT FAVORITO

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

BY MR. LAUTER:

Q. What is your name?

A. Vincent Favorito.

Q. Where do you live?

A. 3246 Fulton Road, here in Cleveland.

Q. Where do you work?

A. I work for the Steel Workers Organizing Committee at the present time.

Q. Have you worked in a steel mill at any time?

A. I worked at the Otis Steel.

Q. Is that here in town, in Cleveland?

A. In Cleveland, Riverside plant.

TRIAL EXAMINER LINDSAY: Otis Steel?

THE WITNESS: Otis Steel.

Q. Do you know Captain Jones?

A. Yes.

Q. Who is he?

A. Chief of police down at Republic Steel, Corrigan-McKinney plant.

Q. Do you know Sergeant Russell?

A. Yes.

Q. Who is he?

A. He is a plain-clothes man there, that goes from one plant to another, also an officer of the Republic Steel police.

Q. Did the S.W.O.C. ever hold any meetings at the Globe Theater?

A. We were holding a meeting of negroes at the Globe Theater.

Q. Where is that?

A. Near 55th Street and Woodland Avenue.

Q. Was that about August, 1936?

A. That was about August—around August 15th or 19th, between them dates there.

Q. Of last year?

A. 1936.

Q. Will you describe what happened then?

A. We were hanging around in the front, waiting for the negroes to come out of the building.

MR. DAY: I want to object to this episode being described here—there is nothing to connect it with the respondent, to show that the respondent had knowledge of it nor authorized it.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

A. We were waiting for the negroes to come from the Corrigan-McKinney plant, and it was daylight, it was around 7 o'clock and it happened to be a rainy day at the time and we wondered what happened, that these negroes were not coming to our meeting.

MR. DAY: We object to it—wait a minute—we object to that and ask it be stricken out, what he wondered. I don't think we could possibly be bound by what he wondered.

TRIAL EXAMINER LINDSAY: Yes, just a minute, strike that out of the record. Just tell what happened.

A. We seen a stool pigeon hanging around with a cap and a dark green suit, hanging very close to me and the other fellows that were with me, and after he seen us looking at him, he thought he would go away from there.

We followed. I was with Lowman at the time, an ex-employee—ex-representative of the Corrigan-McKinney plant. He was the one that recognized him. We followed him and he took us into an alley.

When we got to the end of the alley it was a blind alley there and we seen Captain Jones. I didn't know Captain Jones at the time, just at that time. He passed between us, with this here stool pigeon, and Lowman, next to

me, says, "That is Captain Jones." I says, "Call him by name."

Captain Jones was still walking, we were about 20 feet away, Lowman says, 'Hello, Captain Jones," and Captain Jones turned around and says, "Hello, Lowman."

Well, we were walking out of the alley after him, when somebody says, "Let's jump him." I says, "No."

Captain Jones gets into an automobile waiting for him across the street on Woodland Avenue and in this car there was about four other people and he waves to us and he goes away, then he cruises. He cruises around again with the car, I turned that license number into the police at that time.

He cruised around with the same car and we thought we might as well report them to the city police because they might be armed. We reported it to the city police. We called up from a cigar store on 55th and Woodland. The police came there about 15 minutes later, we gave them the report and they said they would try to locate the car, catch it, and that is all of that incident on that day. The meeting never took place.

Q. Why didn't it take place?

MR. DAY: I object to that. His conclusion as to why it didn't take place, I object to that.

Q. State what happened.

TRIAL EXAMINER LINDSAY: Yes, the objection to that is sustained.

A. The negro that was there said that the men was afraid to come here on account of Captain Jones' car.

MR. DAY: I move that be stricken out on the ground there is no evidence to show that the respondent was responsible for that statement or had anything to do with it or was made by anybody who represented the respondent.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

Q. Do you know where the Independence gate of the Republic plant is?

A. No, I don't.

Q. The Independence gate?

A. Yes, it is under the Clark Avenue Bridge.

Q. Did you ever distribute literature there?

A. I distributed literature there quite a few times.

Q. Did you ever distribute literature there with Alex Balint sometime in October, 1936?

A. Yes.

Q. Describe that.

A. We distributed literature there in October and at this time Captain Jones came out of the fence.

MR. DAY: Now, are you telling about this October, 1936?

THE WITNESS: Yes, yes. Captain Jones came out of the fence and I seen also that there were about seven police around us. There is a little shanty there right under the bridge, and the policeman there is supposed to be in charge of the railroad crossing, there, and this policeman that was in the caboose was not there by himself at this particular time, he had about seven other fellows with him, and they were armed with pistols.

Captain Jones came over to us, was me and Balint at the time, he asked for a blackjack from one of the police inside the mill gate. The policeman in the mill gate threw the blackjack at him and he caught the blackjack and he put it behind his back, and he was twisting it on his back, and he walked around us a couple of times looking at our feet, and Captain Jones says—I am going to use profane language, the same language that he used—

TRIAL EXAMINER LINDSAY: Well, just tell what happened, what actually happened, what you said and what they said, and it is perfectly all right.

A. We were there just to pass literature. Captain Jones says, "Why, you dirty son-of-a-bitch." He was talking to Balint at the time, "You are the guy that has got nerve enough to say that you had me cornered in an alley."

Balint would not answer him and he kept it up, he says, "I am not afraid of no son-of-a-bitch. How about it, boys?" And the cops answered him, "That a boy."

Well, we didn't do anything, we stayed there with this man going around us with a blackjack, and finally he took the blackjack and he threw it back into the gate, the policeman in the gate took it and went inside the office and he left. We passed out our literature that day and went back to our office.

Q. Did you attend the meeting at Bohemian National Hall that has been referred to as having taken place on January 13, 1937?

A. Yes, that was the day I come back from Lorain, Ohio. I had been to working in Lorain that night sometime, and that was the day I came back from Lorain.

Q. Describe what happened.

A. At this meeting?

Q. That's right.

A. I was walking to the meeting from my car with Mr. Bozo Danitz, we were going to the meeting. Bozo Danitz was a speaker, so was I. As we came to the corner we found that Captain Jones, Jergis, alias Maloney of the Republic Steel police and Sergeant Russell—what occurred, Bozo was walking on my left and I was walking on Bozo's right and Captain Jones was on the left of us and as we were passing by, he didn't bother us. He didn't bother Bozo Danitz or myself.

A. Watching those that were going to the meeting. Because he was on the corner of the building. I also saw the police that I recognized by looking at them across the street, all lined up as if they were watching a parade.

Q. Did you ever return to pass out literature at the plant again?

A. Which plant?

Q. Corrigan--McKinney?

A. Yes. A number of times.

Q. Were you there in February, 1937?

A. February, 1937, that was at the Truscon, oh, yes,—that was—no—February 17th, let me remember now, no, I distributed leaflets at the Truscon plant February 17th.

Q. Now, on January 13th, let us go back a moment, were you present when Mr. Alex Balint was hit in front of the place at the Corrigan-McKinney plant?

A. Yes; that was January 13th. This was the same day we had the meeting at—what do you call it—and Broadway, the National Bohemian Hall.

Q. You saw Mr. Balint hit that day?

A. Yes.

Q. Did you ever see the man who hit him again?

A. Yes, I did. On February, I think it was February 17th. I think it was February 17th—it was February.

Q. Where did you see him?

A. I saw him at the Truscon plant in uniform.

Q. Well, describe what happened at the time that you saw him; what were you doing there?

A. At the time I saw him in uniform?

Q. That is right.

A. I was passing out literature there with about 400 men at that time and I see him run into the office.

Q. Just one more question, I want to ask. You stated before that Captain Jones and other police were standing in front of the National Bohemian Hall that night?

A. Yes.

Q. Were those mill police you are referring to?

A. Yes.

MR. LAUTER: That is all.

Cross Examination

Q. (By Mr. Day) Mr. Favorito, you have been very active in the strike?

A. Yes.

Q. You have made speeches at numerous times?

A. Yes.

Q. When we have had hearings in different rooms on injunctions you have always been here, have you not?

A. Yes.

Q. And you testified before Mayor Burton in the airport case?

A. Yes.

Q. You are an organizer for C. I. O.?

A. I have been a paid organizer since last June.

Q. You never worked for Republic?

A. No, I never worked for Republic. I worked for Otis Steel Company.

Q. When did you work for the Otis Steel Company?

A. I have worked there off and on since 1925, for about eight years.

Q. '25?

A. Off and on.

Q. When was the last time you worked for Otis Steel?

A. Last June. I am still on furlough. I had a furlough with the Otis Steel Company.

Q. When you say last June, do you mean June of this year?

A. In 1936.

Q. Well, of course, this is August, last June, you mean a year ago last June?

A. Yes.

Q. Have you worked anywhere else in Cleveland besides Otis Steel Company in the last 10 years?

A. Yes, I worked in the Midland Steel. I worked at the Bart Machine Shop.

Q. Let us take Midland Steel. When did you work?

A. I worked at the Midland Steel the first part of 1935.

Q. Altogether about four months?

A. Yes.

Q. What was the name of the other company in Cleveland you have worked for?

A. I have worked for the silk mills here, called Industrial Fiber.

Q. Rayon?

A. Yes.

Q. How long did you work for them?

A. I worked for them, that would be 1927.

Q. Do you belong to any of the Cleveland lodges of the S. W. O. C.?

A. Yes. I am a member of the Cleveland Lodge 187.

Q. Are you an officer?

A. I have been an officer.

Q. Are you an officer now?

A. No; I am just an organizer.

Q. You are an organizer for the C. I. O.?

A. S. W. O. C.

Q. How long were you an officer of the Cleveland lodge?

A. An officer since the inception of it.

Q. When was that?

A. That was on January 13th, 1935.

Q. When did you start to work first as an organizer for C. I. O. in Cleveland?

A. S. W. O. C., not C. I. O.

Q. Well, all right.

A. In June.

Q. Of 1936?

A. 1936.

Q. You spent practically all of your time for S. W. O. C. since then?

A. Yes.

Q. Have you had anything to do with preparing the evidence in this hearing?

A. Well, I—

MR. LAUTER: Just a minute, I object to the question.

TRIAL EXAMINER LINDSAY: Yes, that objection is sustained.

Q. Then that other incident took place a little over a year ago, did it not? I have down here August 19, 1936, is that when it happened?

A. Yes.

Q. That is the time you said you saw Captain Jones and Sergeant Russell?

A. No, Captain Jones at that time.

Q. And you were with a man named Lowman?

A. Yes, and others.

Q. How many of your men were there, S. W. O. C. men?

A. Let's see, one, two, three, four, five of them.

Q. All of your crowd?

A. Yes.

Q. How many more with Captain Jones?

A. There was about six altogether.

Q. Six?

A. I don't know if he had anybody else with him or not.

Q. Six?

A. There was the stool pigeon on the street. We followed him to Captain Jones.

Q. Yes.

A. Captain Jones and four others that we seen.

Q. Four others. And that was the time Lowman said, "Hellow Captain Jones" and Captain Jones, he said, "Hellow, Lowman." And somebody said, "Let's jump him."

A. Yes.

Q. Which one of your men said, "Let's jump him?"

A. One of the members of the Otis Steel.

Q. He said, "Let's jump him?"

A. Yes.

Q. You told him not to jump him?

A. Yes.

Q. There was no jumping that time?

A. No.

Q. The next time you told us something that happened at Independence gate October 19, 1936.

A. Captain Jones walked around with a black jack.

Q. Nothing happened except Captain Jones walked around with a black jack?

A. We didn't answer him.

Q. That was at Corrigan-McKinney's plant?

A. Yes, below the Clark Avenue bridge.

Q. How many were with you?

A. Just Balint and I.

Q. How far were you from the gate?

A. In the middle of the road, about 12, 13 feet.

Q. You were going there to distribute handbills?

A. Yes.

Q. Had you distributed some that day?

A. Yes.

Q. To the men coming out of the plant?

A. To the men going in first, and they took them away from the men going in.

Q. When you distributed handbills, did you stand in the middle of the road or sidewalk?

A. Middle of the road. There is no sidewalk there.

Q. There is no sidewalk there?

A. No.

Q. Now you say on January 13th you were walking out of the meeting at Bohemian Hall with Bozo Danitz?

A. Yes.

Q. And Mr. Danitz was with you all the time that you have been telling about?

A. Yes.

Q. And he is head of the S. W. O. C.?

A. Field Director in the Cleveland area.

Q. Of the S. W. O. C.?

A. Yes.

Q. And you talked to Jones that day?

A. Yes. Oh, no, he was there on the corner with Maloney and sergeant Russell, on this particular corner.

Q. The day that Balint was hit, you were there, were you?

A. Yes.

Q. You saw it?

A. Yes.

Q. What time was it that you and Danitz walked down to Bohemian Hall and saw Captain Jones, what time of the day was it?

A. It was dark, around 7:30.

Q. What time was it that Balint was hit by this man?

A. Around 3:20. Around 3:20, 3:30, before the shift came on.

Q. In the afternoon?

A. In the afternoon.

Q. After that took place, then you and Bozo Danitz walked back to Bohemian Hall that night?

A. Yes.

Q. Who was with you and Balint?

A. A fellow by the name of Wimmir.

Q. Anybody else?

A. When Balint got hit, just Wimmir and Balint and myself were there outside.

Q. How many beside the other men, some Company police?

A. Yes, the police force, the Company police.

Q. How many would you say?

A. Four.

Q. Where would you say they were?

A. Three of them in a booth.

Q. How far from where this happened?

A. The booth, well, I should say about the distance, well, closer than you and I.

Q. Would you say six or eight feet?

A. About eight feet. You see, there is a sidewalk there on that street.

MR. LAUTER: That is all?

MR. DAY: That is all.

Redirect Examination

Q. (By Mr. Lauter) Just one question. You said something on cross-examination about handbills being taken away?

A. Yes.

Q. When did that happen?

A. Always at Republic Steel.

TRIAL EXAMINER LINDSAY: Well, set a time.

Q. You referred to an October 19th, 1936, distribution of leaflets, is that right?

A. Yes.

Q. You were passing handbills to men that were going into the plant?

A. Yes. They were taken away by the policeman at the gate.

Q. That is, the Republic Steel police?

A. Yes. They even took them out of their pockets.

Q. You were a member of the Otis Steel Lodge, is that correct?

A. Yes.

Q. In June, 1936, was there a lodge for the Republic men?

A. No. The Republic men joined the Cleveland Lodge and they had to have secret meetings. They joined my

lodge. That is where I was acquainted with Balint. He was very active and Balint worked in company with myself before the strike came into Cleveland.

Q. That is, the employees of Republic Steel joined your lodge because there was no lodge for them?

A. That is right.

Recross Examination

Q. (By Mr. Day) Before you stated about following a man in 1936 who had a light cap and green coat or was it a green cap and a light coat?

A. It was a light cap and dark green suit.

Q. Well, you didn't know who he was?

A. No.

Q. You started to follow him?

A. Lowman knew him. He worked in the plant. He said, "There is a stool pigeon."

Q. And you started to follow him?

A. No; we looked at him quite some time because he was making out he was looking at jewelry. He was looking at the jewelry store window. The jewelry store was closed and there was nothing in the window and he did get away.

Q. And you did get after him?

A. Yes.

Q. Did you beat him up?

A. We wanted to see where he was parking.

Q. You wanted to see where he was parking?

A. Yes. We follow stool pigeons when we see them.

Q. Always?

A. Yes.

Q. Beat them up sometimes?

A. No.

MR. DAY: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a recess.

(Recess.)

TRIAL EXAMINER LINDSAY: Hearing called to order. Had you finished with that other witness, Mr. Day?

MR. DAY: Well, yes.

BENNY FAVORITO

a witness called by and on behalf of the National Labor Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your name?

A. Ben Favorito.

TRIAL EXAMINER LINDSAY: Benny?

THE WITNESS: Yes.

Q. Where do you live?

A. 3246 Fulton Road.

Q. Where do you work?

A. Otis Steel.

Q. Are you a member of the S. W. O. C.? And C. I. O.?

A. Yes, I am a member.

Q. How long have you worked at the Otis Steel?

A. Seven years on and off.

Q. As a member of the C. I. O., have you done any organizing work?

A. As a volunteer organizer.

Q. Do you know where the Independence gate is to the Republic plant?

A. I do.

Q. Have you ever distributed any literature in front of that gate?

A. Yes.

Q. Have you ever distributed any literature there

some time in November of 1936?

A. Yes.

Q. Describe what happened.

A. We were passing out handbills over there, "Steel Labor," and Captain Jones was at the gate and Sergeant Russell and as we was passing out handbills, he said to the men coming into the plant, "If you take those bills, you are fired," and as the men came out of the plant from work he took the handbills. Captain Jones came up to the men and took the handbills off their hands, and took them inside of the plant.

Q. Who is Mr. Slaney?

A. Mr. Slaney happens to be a Chairman of our Lodge right now and he is an organizer.

Q. Did you ever distribute handbills with him?

A. I have.

Q. In front of the Republic plant?

A. In front of the Republic plant.

Q. Have you ever distributed handbills with him in front of the Republic plant some time in December, 1936?

A. Yes.

Q. Describe what happened.

A. Ike Balint and Slaney was passing handbills there. As we was passing handbills, Captain Jones told his men again, "If you take any of those handbills, I will fire you." And as the men were coming outside of the plant, he would tell them the same thing, and at the same time he was organizing a crowd around the gate there to tackle us.

MR. DAY: I move the last be stricken out.

TRIAL EXAMINER LINDSAY: Your motion is denied, let the record show an exception.

MR. DAY: Exception.

A. As he was organizing a group of men to come and attack us we organized it right away, we left the Independence gate and went on to a different shop to finish out our handbills.

Q. Did you continue to pass out your handbills then?

A. At a different gate.

Q. Do you recall January 13, 1937?

A. Yes, I do.

Q. Was a meeting held at the Bohemian National Hall that night?

A. Yes.

Q. Do you know Captain Jones?

A. Yes, I know Captain Jones.

Q. Who is he?

A. Chief of police, Republic Steel Corporation.

Q. Did you see him in the neighborhood of that meeting at that time?

A. Yes.

Q. Describe what took place.

A. He was standing in front of the door of this here Bohemian National Hall with Private Malone and Sergeant Russell. And I was walking into that door towards the meeting, Malone made the remark, he says, "There is Favorito's brother," he says, "you want to keep your eye on him because he goes to all the plants to work."

Q. Who is Malone?

A. He is a company dud.

Q. Well, is he a policeman?

A. Yes, he is a policeman.

Q. Have you ever seen him in police uniform?

A. I did.

Q. Go ahead.

A. And I walked inside to the meeting there and listened to what took place.

Q. Did you ever go to distribute handbills in front of the Republic plant on January 25, 1937?

A. Yes.

Q. Describe what happened.

A. I and a group of men were going over to this Truscon gate to pass out handbills. As we were walking down there about the employment office down there towards the gate, two men were walking up, and there was

a bunch of men up against the wall. As I offered one of these men a handbill he refused to take it and gave me a punch in the puss and I retaliated and gave him a left on his eye. We was fighting out in the street. Captain Jones was right over there with this here company policeman on the sidewalk, and I looked over there, this here company police started running towards me, and at the same time he pulled the gun, he said—

Q. Who pulled out a gun?

A. This here police, as he pulled out this gun, why he said, "You son-of-a-bitch, if you don't cut it out I will put a slug in your back," and we stopped fighting over there and we got into our cars and went up to the Truscon gate and passed out our handbills.

MR. LAUTER: That's all.

MR. DAY: Was that January 25th?

MR. LAUTER: That is right.

Cross Examination

Q. (By Mr. Day) This happened on January 25th?

A. Yes, sir.

Q. At what plant was it?

A. Truscon.

Q. About what time of day was it?

A. 3:27.

Q. And how many were in your group?

A. About 25.

Q. And this man that you said gave you a poke in the puss and you retaliated by giving him a lamp on the eye, was he walking out of the plant?

A. He happened to come out of the plant before the other workers came out.

Q. You don't know who he was?

A. Yes, I would recognize him.

Q. If you saw him?

A. Oh, yes.

Q. Have you seen him since?

A. I did.

Q. Then after he slugged you and you slugged him, Captain Jones came out?

A. Captain Jones was outside of the wall with this here other company police.

Q. And how many men were walking out of the mill at that time?

A. At that time they kept the men inside the plant until the fight was over.

Q. Well, how many—There were how many in your crowd?

A. About 25, there was men on the sidewalk over there ready for a fight, because they found out that we were going to pass out handbills.

Q. How many were there among the Republic crowd?

A. Among the Republic crowd I imagine about a hundred.

Q. About 25 in your crowd?

A. Yes.

Q. And that was back in January?

A. Yes.

Q. Now, the other things you told about, as I understand it, one took place in December, 1936, that is when you say Captain Jones and Sergeant Russell—that was in December?

A. December 13th.

Q. At what plant was that?

A. They were calling a Republic Steel meeting that night.

Q. Where did that happen? Right on Broadway?

A. Right on Broadway, and I don't remember the street, National Bohemian Hall.

Q. Were you with your brother?

A. No, I followed my brother later.

Q. Are you an organizer for C. I. O.?

A. Volunteer organizer for S. W. O. C.

Q. What do you mean, volunteer organizer?
A. Well, if I get time I go out and help organize.
Q. How long have you been a volunteer organizer?
A. Ever since S. W. O. C. came in existence.
Q. When was that?
A. Last June.
Q. A year ago last June?
A. About a year ago last June.
Q. Do you get paid for it?
A. No, it is volunteer.
Q. What have you been doing there ever since June, a year ago, without any pay for it?
A. Why should I get paid, when I want to see the organization grow.
Q. I don't know why you should or why you shouldn't, all I am asking you is whether you were paid?
A. No, I ain't paid.
Q. Did you do any work during that time any place else?
A. Yes, I work down at Otis Steel.
Q. When did you work last for Otis Steel?
A. Still working there.
Q. Now?
A. Yes.
Q. When did you work there last? When did you actually go to the Otis Steel plant to work, last?
A. 1933.
Q. Well, you are still working at Otis, you say?
A. I am still working at Otis.
Q. Did you work there last night or yesterday?
A. I worked last night, worked 7 to 11 trick.
Q. How long have you worked continuously at Otis? Just the last few months or few weeks?
A. Maybe you recall about the lock-out we had down there at the Otis Steel, that is the department I am from.
Q. Well, I am asking you how long during the past

three months have you been working there, during the past three months?

A. They have the stagger system. How do you expect them steel mills to work? Do you think they work steady?

Q. Answer my question, I don't want to argue with you. How many times during the past three months have you worked for them, for Otis Steel?

A. I will say about 15 days.

Q. During the last three months?

A. That is right.

Q. How many days did you work during the nine months for Otis Steel, before that?

A. Worked every day.

Q. Every day?

A. That is right.

Q. And then in your off time you are an organizer?

A. That is right.

Q. And you have been active, of course, haven't you?

A. That is right.

MR. DAY: That's all.

(Witness excused.)

PAUL J. CASTIN

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your full name?

A. My name is Paul J. Castin.

Q. Where do you live?

A. 4484 West 53rd Street, Cleveland, Ohio.

Q. Employed at Republic Steel Corporation plant at Cleveland?

A. I was at the Truscon plant.

Q. When did you start working for them?

A. I started work there on the 5th day of March, 1937.

Q. How long did you work for Republic?

A. I worked there one month.

Q. What happened?

A. I was laid off on the 5th of April.

Q. Do you know Mr. Westerfield?

A. Mr. Westerfield works in the plant there, yes, sir. superintendent or assistant superintendent, I don't know what his official capacity is exactly.

Q. What plant is that?

A. That is in the pressed steel division.

Q. And what plant is that, Truscon or—

A. Yes, that is the Truscon plant.

Q. Did you have any conversation with him sometime in April?

A. I didn't hold a lengthy conversation with him. I had a couple words with Mr. Westerfield.

Q. Well, tell me what happened.

MR. DAY: What date is this, now?

MR. LAUTER: He fixes it as April, sometime in April.

THE WITNESS: I beg your pardon?

Q. This happened in the early part of April, is that right?

A. Yes, sir.

Q. Go ahead, tell me what happened.

A. I was working, standing tops for the Crosley Refrigerators that is built in that plant, and on that Monday morning, April 5th, a man by the name of Vincent, I don't know what his name is, he is one of the company representatives in the plant, company union man, came over to where I was standing, these tops for the refrigerators, and spoke to me, he asked me, "Did you join the—"

MR. DAY: Just a minute, was Mr. Westerfield there when this took place?

THE WITNESS: Mr. Westerfield was in that vicinity at the time that took place, yes, sir.

MR. DAY: Was he where he could hear what was said?

THE WITNESS: He could have heard it.

Q. (By Mr. Lauter) Go ahead.

A. And Vincent asked me if I joined the union. I told him I did. He says, "When is the next meeting taking place?" I told him I didn't know, but probably a couple of weeks, that there was no meeting been called. He says, "How many members have you got out here in this lodge? I says, "I don't know," I says, "I think there is around 47 or 50, something like that there, I don't know exact," which I didn't at the time. I didn't know whether there was two members there or not.

Q. Were you a member of the union at that time?

A. I was.

Q. Go ahead.

A. And he didn't say any more, and Mr. Westerfield talked to Vincent for a couple of minutes and Mr. Westerfield came over a couple of steps to where I was still continuing with my work, and Vincent says, "This is the man," and Mr. Westerfield says to me to keep my eyes to the ground and if anything develops in the union over there to let him know, as if the union gets in there, they will have to shut the plant down. I didn't give him an answer yes or no. That is all that was said to me at that time by Mr. Westerfield.

Q. Did you ever join the Employees Representation Plan?

A. I did, I guess that is the card that I signed when you go to work there, which I think is compulsory with the union.

MR. DAY: I move that be stricken out except that "that is the card that I signed." His conclusion that he thinks it is compulsory, I think I should ask to have it stricken out.

TRIAL EXAMINER LINDSAY: Yes, I will strike that out.

Q. (By Mr. Lauter) You did tell him—You did join the Employees Representation Plan?

A. As I told you before, I don't know whether that was the company representative plan I joined or not.

Q. Were you asked to join at any time?

A. He is the foreman—Fred, I think they call him there.

Q. Yes.

A. He was a paint foreman, to the best of my knowledge.

Q. Did you have any conversation with him sometime in April?

MR. DAY: I object to any conversation between this witness and this foreman Rudick, on the ground that there is no evidence that Rudick had any authority to represent the respondent or that he was authorized to represent the respondent, or that the respondent had any knowledge of the conversation. This is the same general ground I have had in other matters.

TRIAL EXAMINER LINDSAY: Well, your objection is overruled, Mr. Day, let the record show the exception.

MR. DAY: Exception.

A. I did have a conversation that day at about 2:55 p. m., on Monday, April 5th, 1937. Mr. Rudick come to me, he says, "Castin, I have orders to lay you off." I asked him why. I says, "Isn't my work satisfactory?" He didn't give me an answer. I says, "There is a fellow there that comes in here two weeks after I did," I says, "I taught him how to stand this stuff here," I says, "he is not getting laid off." I says, "Why am I getting laid off?" He did not give me any answer.

Q. Who is Frank Dunch?

A. Frank Dunch is a painter in the spray booth there, a company representative, I was told.

Q. Did you ever speak to him about your having been laid off?

A. The following day after I was laid off I went down into the restaurant that is operated there in the office building of the plant, and Frank was down there during the lunch time. I asked him why I was laid off.

MR. DAY: I object to this conversation between this witness and Frank Dunch upon the grounds already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show the exception.

MR. DAY: Exception.

A. There was three or four more fellows sitting at the table when I asked this question. He told me that he didn't know that I was laid off until that morning, and he told me that I was laid off for union activities.

MR. DAY: I move it be stricken out on the same ground.

TRIAL EXAMINER LINDSAY: Motion denied. Let the record show an exception.

Q. And did you have a conversation with Mr. Dunch at that time?

A. Yes, sir.

Q. State what it was, please?

MR. DAY: The same objection.

A. He asked me if it was true that I was—

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

A. He asked me if it was true that I was fired for union activity with the Associated Press in Boston, Massachusetts and I told him that it was not true, that I was laid off for union activity. I told him that I dislocated my wrist by a fall in the dark room in Boston. I couldn't handle the job properly with my arm in a sling, and I came to Cleveland until my arm healed up.

Q. Is Cleveland your home town?

A. Cleveland is my home town, yes, sir.

Q. Did you have conversation with any company policeman that day?

A. I was walking out of the plant after my talk with Mr. Dunch, one of the policemen that I had had conversation with at different times in there, when I was on my lunch period, he would speak to me—

MR. DAY: I object to this conversation on the same ground.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

A. He called me over and he says that he heard that I was fired. I told him—he told me to see Sergeant Brown.

Q. Is that Sergeant Brown of the company police?

A. He is a company policeman at the plant, yes, sir.

Q. Go ahead.

A. He says, "Serg can fix it up properly, for you to go back to work." I asked him when I would be able to see Sergeant Brown. He told me that he was on at 4 o'clock. I didn't get a chance to come back out there that day at 4 o'clock to see Sergeant Brown. Next day I did go back.

MR. DAY: I move to strike that out on the same ground.

TRIAL EXAMINER LINDSAY: Motion denied. Let the record show an exception.

MR. DAY: Exception.

A. At 4 o'clock when Sergeant Brown came out, I seen Sergeant Brown.

MR. DAY: I object to his conversation with Sergeant Brown, on the same ground.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

A. Sergeant Brown told me that he will pick me up at my home the next morning between 9:15 and 9:30, to take me down to see Captain Jones at Corrigan-McKinney plant under the Clark Avenue Bridge, at his office. The follow-

ing morning Sergeant Brown came to my home, stopped his car in front, blew his horn, and I got in the car with this Sergeant Brown, he took me down to Captain Jones' office under the Clark Avenue Bridge. We waited around a few minutes, I talked to the other company policemen around there. I think Sergeant Brown was in civilian clothes at the time.

We finally went into Captain Jones' office. While we were in the office there I read a newspaper. We had talked, waiting for Captain Jones.

Captain Jones didn't show up that day and we didn't leave there for two and a half or three hours after we went into the office.

So Sergeant Brown brought me back downtown and left me, up by the Republic Building in back of the Higbee Store and he drove on with his car and told me that he would pick me up next morning and we would see Captain Jones.

Q. Is this Captain Jones chief of police of the Republic police?

A. Chief of police of the Republic police. The following morning he also came by and picked me up in his car and we drove down to the office and waited down there for Captain Jones for a while, I don't know just how long it was.

Finally Captain Jones came out and seen Sergeant Brown there, Sergeant Brown spoke to him, one of the plain-clothes men of the police department—

MR. DAY: Now, I object to what he said.

A. Sergeant—

MR. DAY: I object to this upon the same ground, that there is no evidence that Captain Jones had any authority to bind the respondent in connection with a case of re-employment or getting back a job or anything of the kind.

TRIAL EXAMINER LINDSAY: Well, the objection is overruled. Let the record show an exception.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: Is it just your contention that none of these men, Mr. Day, have any authority for anything?

MR. DAY: I beg your pardon?

TRIAL EXAMINER LINDSAY: Is it your contention that none of these men in the police department are—or any other department, have any jurisdiction?

MR. DAY: I think some of them have. We have not objected to certain ones, the conversation with the superintendent we have not objected to; conversation with the assistant superintendent; conversation with the master mechanic, but when it comes to a case of re-employment, discussing with the chief of police of one plant, I don't think it is admissible.

TRIAL EXAMINER LINDSAY: Well, we will have to let that in, to find out whether or not they do have that right, so the objection is overruled, let the record show an exception.

MR. DAY: Exception.

A. So while I was waiting for Sergeant Brown to finish talking with Captain Jones, Sergeant Joe Scalla of the Cleveland Police was down there, I spoke to Sergeant Scalla as I have known him for sometime.

And then Captain Jones came out and talked to Mr. Scalla. After that conversation was over I was called into the office with Sergeant Brown, and when we got in Captain Jones was sitting at his desk, Sergeant Brown walked in with me and he says to Captain Jones, "This is the man I was talking to you about."

Captain Jones, "Have a seat." And I sat down, and he says, "What is your name?"

I told him my name was Paul Castin, he says, "Louder, I can't hear you." He was sitting two feet or so away from me, he couldn't hear me.

He says, "Louder, please." I says, "My name is Paul Castin." He says, "Where do you live, Paul?" I says,

"4484 West 53rd Street, Cleveland." He says, "Where did you work, before you came here?" I told him I had worked off and on at the May Company as a shoe salesman in the shoe department.

He says, "Do you know any of the policemen at the May Company?" I says, "I know them when I see them as watchmen and uniformed men that are there, watching the exits and the escalators and elevators," I says, "outside of that I don't know any of them, I couldn't tell you their names."

A. (Continued) He says, "Where else did you work?" I told him I worked with the Associated Press in Boston. He did not ask me any more questions about where I worked then. He said, "You are not working with Al Balint, are you?" I said, "No, sir. I am not. I don't even know Al Balint." He says, "He is one of the Union men." I said, "He is?" He says, "You ought to be working for the Union." He says, "One of the Presidents of the Union's lodge is getting eight dollars a day from the C. I. O.," and he says, "I am also paying him for his work down here." I says, "No, sir, I am not working for Al Balint or the Union." And I said, "I am not working for the Union." He said, "You belong to it?" I said, "Yes, sir." He says, "How many members have you got out there?" I said, "I don't know how many members." I give him the same answer I gave Vincent. I said there was around 47 or 50 members out there. So that was all the conversation about the Union at that time. He got in a couple of more words there. I don't just recall what they were. And then he says to me again that I was—asked me if I was with Balint and I said, "No, sir." He turned around to me and he said, "Castin, if you are, it will be too God damned bad for you, if you are double-crossing me, look out."

Q. Did you see Captain Jones again after that conversation?

MR. DAY: Just a minute. A motion to strike as to that conversation.

TRIAL EXAMINER LINDSAY: Read the question.

MR. DAY: As to the whole conversation.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

MR. LAUTER: There is an unanswered question, I believe.

(Question read.)

A. I was told to see Captain Jones the following morning in his office.

Q. Did you go to see him?

A. I went down to see Captain Jones.

Q. Did you see him?

A. I seen Captain Jones walk out of his office. While I was waiting at the gate with a couple of the Company policemen, one of which said to me—

Q. Did you ask to see him again?

A. I did. I asked to see Captain Jones. One of the policemen who went over to find out if I was to see Captain Jones, came back and he told me I would have to wait.

I waited there until 12:40 and Captain Jones did not see me that day and he didn't ask me to come in and talk with him anyway that day. He got in his automobile and drove away.

Q. After that did you do any organizing work for the C. I. O.?

A. Yes, sir, I did, voluntary organizer.

Q. Do you know where the Kroger Grocery Store is near one of the entrances to the plants?

A. I know where the Kroger wholesale grocery warehouse is.

Q. Where is that?

A. That is on the corner of 55th and Truscon Avenue.

Q. Have you ever done any organizing work in that area?

A. I have passed out literature such as the papers that Unions hand out, on the sidewalk in front of the

Kroger warehouse there where the men go back and forth between the street car and the plant.

Q. When you hand out literature there, what time of the day is it?

A. Usually we get out just before the shifts change, some of the men going in and some coming out.

Q. What time of the day would that be?

A. That would be anywhere from 2:30 or 4 o'clock in the afternoon, according to how they were working.

Q. Was the literature that you distributed ever taken away from the men?

A. One particular time I was told that this literature I was passing out was going to be taken by the policeman standing inside of the gate at the Truscon plant.

MR. DAY: I move that be stricken out; what he was told.

TRIAL EXAMINER LINDSAY: Yes; that is stricken.

Q. Have you ever seen any literature taken away?

A. No, sir, I haven't seen the literature because I was not up there at the gate.

Q. Have you ever spoken to any of the Company policemen near that gate?

A. Yes, sir.

Q. Have you ever given them any literature?

A. They have asked me for the papers and I gave it to them.

Q. What conversation did you have with them at the time?

MR. DAY: I object on the ground already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. The Company policeman up there asked me if I had some of the papers I was going to pass out today. I told him I did have. He said, "Can I have a few copies of it? We want to get educated."

Q. Do you recall April 19, 1937?

A. I do.

Q. Were you distributing literature at that particular place that you have now related?

A. Yes, sir.

Q. Did you speak to any of the Company policemen at that time?

A. Before I went down in front of the Kroger Baking Company, I did talk to the policeman by the gate up there. He asked me if I had some paper. I told him I did have.

MR. DAY: Objection on the same grounds.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. He said, "Can I have a few copies?" I said, "Certainly." I gave him six or seven copies of them. He took them and put them in the drawer of the desk he has in the policemen's shanty there.

Q. Describe what else happened.

A. He said, "Is this what you are going to pass out today?" I said, "I am going to pass them out today." So I walked back from down at the Company gate and that was before the men was either coming in or going out. No one was coming in and out there except private supply trucks.

I walked back down to the little restaurant on the street corner of 55th and Truscon across from the Kroger Baking Company and had a sandwich and a cup of coffee and while I was there I got to talking to a man that runs the place there, a street car conductor, who talked to me a few minutes and I seen some of the men get off the street car to go into the plant to go to work.

So I took some of the papers and I took them out under my arm and I started to distribute these papers. Practically every man that went by there accepted the paper and looked at it and started to look at it there or either folded it up and put it in his pocket. I continued doing that with these men going into the plant and the men on the three o'clock shift, they were coming off of their jobs, and

they were going out, I handed those men papers also. These men accepted the papers, probably one out of a hundred would refuse them. They folded it up and carried it with them. That continued some time and a man by the name of John Jense—

Q. Who was John Jense?

A. He is a man that signed a Union card over there to join the Union that day.

Q. Is he an employee of the Republic?

A. He is. He is an employee of the Company and I had seen him in the plant.

Q. Go ahead.

A. He came down the sidewalk. I handed him a paper. I said, "Have you got in yet?"

MR. DAY: I object to any conversation between this witness and a man named Jense in the present state of the record.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. (Continued) He says, "No. I will sign it if you have got one with you." I handed him a blue card, S. W. O. C. card. He said, "Have you a pencil?" I gave him an indelible pencil that I carried with me for that purpose. He went down to a little automobile about 10 feet away to sign his name on the card and come back and handed it to me. I continued handing out these papers while he was signing that card and at that time I could see a man with a leather lumber jacket standing alongside of the Kroger warehouse and watching us and I don't know who he was. I haven't seen that man since. I didn't pay much attention to him. So Jense got the card filled out and he brought it back to me and I looked at the card and I noticed he had not dated the card. I took the pencil, and I had these papers under my arm, the card in my hand, and I was going to put the date on it. I had my head down to write the date in there. I had to write on one side and I had turned the card to write it on the other side and a fellow shoved Jense

out of the way and he struck at me with what I saw was a black jack and hit me on the side of the face with it. This man that hit me I recognized as one of the Company policemen out of the plant as Sergeant Brown. He had on just his ordinary clothes with one of the blue coats that the Company furnishes to the employees of the plant up there to work, it was a work coat, it was a faded-out blue work coat. I also recognized him by the way he gritted his teeth and they are half worn out in front, the way he chews tobacco all the time. When he hit me with the black jack, I stumbled backwards and fell in the gutter alongside of the sidewalk. Jense ran—

Q. What happened after that?

A. He jumped on me with his knees in the pit of my stomach, started beating me over the head and the arms and the hands with a black jack. He says, "God damn you, here is some of Cap's Union."

Q. What did he mean by "Cap's" Union?

A. I presume he meant Captain Jones. That is the words he used.

MR. DAY: I object to what he presumes. It is what he said.

TRIAL EXAMINER LINDSAY: Yes; the presumption is stricken from the record.

Q. What happened after that?

A. I had my hands over my head. I was trying to protect my head and he continued beating me with this black jack. Every time he would hit me he would say "uh-uh." I don't think I was unconscious.

Q. Were you taken to the hospital?

A. I was picked up after he got off of me. Also he kicked me in the side and after he got off of me, I stumbled to my feet and he was running down the sidewalk toward 55th Street putting his black jack in his pocket and he had that work coat pushed back to hide his black jack in the pocket. I turned around to pick up my watch. It was knocked off of my wrist and also picked my hat up and I

picked the plate up of my false teeth, upper plate. When he hit me he knocked it out of my mouth. It was broken in two places. I picked them up. I staggered back across the street over to this restaurant and this lady that runs the restaurant and the girl that worked in there came running to the door with a towel that they use over there for drying dishes. They told me to wrap it around my head, that I was losing an awful lot of blood. I cannot say very well what I was doing on account of the blood running in my eyes, and this fellow that is in the gas station there, he had seen this man running and he came and spoke to me.

MR. DAY: I object.

A. He said he just got in an automobile and left.

MR. DAY: I don't care about that.

TRIAL EXAMINER LINDSAY: Miss Reporter, have you got that objection?

THE REPORTER: Yes, sir. Mr. Day withdrew it.

Q. Go ahead.

A. Then a man came by in an automobile and said, "Get in. Let's get to the hospital before you bleed to death." He got me in this automobile, I don't know who this man is that drove me to St. Alexis Hospital, took me in the operating room, the emergency operating room. While I was in there they were sewing my head up, my lip they sewed up, and looked me over for bruises and cuts. Two policemen were there, plain clothes men. They asked me if I could identify the man that did it. I told them I could. They asked me for a description. I gave them a description as fairly accurate as I could where I was laying there where they were sewing me up in pain, after having just been all beat up.

Q. How long were you in the hospital?

A. I was in the hospital 16 days.

Q. Did you suffer any injury to either of your arms?

A. Yes, sir. I had lacerations in the front part of my scalp and in the back of my head, lacerations, a fractured

right arm, the ulna bone fractured, and lacerated inner jaw, which subsequently turned into an abscess and I had to be put to sleep while it was lanced, and I had a crushed little finger on my left hand, which is still out of shape, and a concussion of the brain.

MR. LAUTER: That is all.

A. (Continued) And a bruised liver also from where I got kicked in the side.

Cross Examination

Q. (By Mr. Day) This assault that you are telling us about took place on the 19th of April, did it?

A. On the 19th of April at about 3:30. That is when my wristwatch stopped, where the blow hit, and stopped my wristwatch.

Q. In the afternoon?

A. In the afternoon.

Q. Just where did it happen?

A. It was in front of the Kroger baking warehouse there on Truscon Avenue, corner of East 55th and Truscon.

Q. Was there anybody else there when it happened?

A. There was a number of people around there. I don't know who they were, except Jense.

Q. Jense was the man that you were telling about that had asked for the C. I. O. card and joined it?

A. That was signed up, the C. I. O. card was signed, and he returned it to me.

Q. You say he ran away?

A. Yes, he ran away.

Q. He ran away?

A. Yes. He ran away when they shoved him away and hit me with the black jack, he was scared, and ran away.

Q. He ran away at the time the trouble started?

A. Yes, sir.

Q. Was there anybody there besides you and the man that had the black jack?

A. I don't know. I was getting hit so dog-gone fast, I don't know how many was there.

Q. Anybody there at the beginning?

A. I noticed a number of people going up and down the sidewalk and a number of people in the parking lot across the street and people going into the restaurant, automobiles running up and down the road, going home.

Q. What road was that?

A. On Truscon Avenue.

Q. About 3:30 in the afternoon?

A. Yes.

Q. But you did not identify anybody that was there besides Jense and this man that struck you and yourself, is that right?

A. I cannot identify anyone except Brown, Jense and myself.

Q. The conversation that took place in Captain Jones' office when he said, as you say, something about some C. I. O. men are being paid by C. I. O. and by him, too, something of that kind?

A. Yes, sir.

Q. What day did that take place?

A. I am not certain just what date that was.

Q. Fix it just as nearly as you can.

A. That was after I was laid off.

Q. While you were laid off when?

A. I was laid off on Monday, April 5th, 1937.

Q. Now fix the time of the conversation in Captain Jones' office.

A. I went to see Dunch on Tuesday, Wednesday I went to see Brown, Thursday he took me to the plant, to the Corrigan-McKinney that day. I waited about two and a half or so hours and did not see him and the next day which was,—let me see, which was Thursday, was the day that the conversation was in Captain Jones' office.

Q. Now, April 5th was Monday?

A. Monday was the day I was laid off.

Q. That was April 5th, a Monday?

A. Yes.

Q. Then this conversation you say took place on Thursday?

A. To the best of my knowledge, it did, yes, sir.

Q. Would it be Thursday, April the 8th, to the best of your knowledge?

A. Yes, sir.

Q. And that took place in Captain Jones' office?

A. In the office, down under the Clark Avenue bridge, which I think is Captain Jones' office. I am not positive.

Q. At what time of the day?

A. That was in the morning.

Q. At what time?

A. He picked me up around 9:15 or 9:30 and we drove straight down there. We waited, I would say that was between 10 and 11 o'clock. I don't know the exact time.

Q. And you say that this Sergeant Brown, as you call him, was there during the whole conversation?

A. Sergeant Brown was there during the whole conversation.

Q. All of it?

A. I think he was listening to it. It was loud enough so he could hear it.

Q. He was right there?

A. He was not with me. He was sitting on one side of the office. I was over here with Captain Jones.

Q. Was anybody else besides Captain Jones and Brown and you present?

A. That clerk that makes out the bills, and the receipt clerk, I guess.

Q. During the conversation?

A. Yes, sir.

Q. During all of the conversation?

A. During part of the conversation.

Q. Was he close enough to have heard what was said?

A. I don't know if he was close enough to hear or not.

Q. How far was he from those who were talking?

A. From here to the corner of the table, which I would judge to be 15 or 20 feet.

Q. Anybody else?

A. Not that I remember.

Q. Before you got to see Captain Jones, did you sit in an anteroom?

A. There is no anteroom.

Q. Did you wait anywhere?

A. I waited in the yard.

Q. Did you recognize anybody that you saw?

A. I saw Sergeant Scalla of the Cleveland Police Department.

Q. That same day?

A. Yes.

Q. Anybody else?

A. Not that I know through name, no, sir, I could not.

Q. You started to work for the Republic on the 5th of March?

A. Yes, sir.

Q. Of this year?

A. Yes, sir.

Q. Prior to that time you worked for the Associated Press of Boston?

A. Associated Press of Boston. Also the May Company, part time.

Q. How long did you work for the Associated Press in Boston?

A. I worked th- -e three months.

Q. Where did you work before that?

A. I worked before that at The May Company.

Q. I asked you—

A. At odd and end jobs that I could get in there.

Q. What did you do for the Associated Press?

A. I was a wire photo assistant.

Q. Did you go from The May Company down to Boston?

A. No, sir. I was not working at the time I moved from here to Boston. I did not have a job.

Q. How much time intervened between the time you worked for The May Company here and the Associated Press in Boston, about how much?

A. I came back to Cleveland on the 13th day of June, 1936.

Q. Came back from where?

A. From Boston, Massachusetts.

Q. Had you worked for the Associated Press before that?

A. I had worked for the Associated Press before that, yes, sir.

Q. In Boston?

A. In Boston.

Q. Then you came back here in 1936 in May?

A. No, sir.

Q. What month did you say it was?

A. In June.

Q. In June, 1936?

A. Yes.

Q. Did you then work for The May Company?

A. After my arm was dislocated, the tendons was torn in the wrist, and I was in Cleveland until some time after September that I was unable to work and the doctor would not release me to go to work.

Q. Then you started to work for The May Company?

A. I am not positive how many days I worked. I think I worked around the Christmas holidays in the shoe department.

Q. In the shoe department?

A. Yes, sir.

Q. Did you work in Cleveland any place between the time you worked for The May Company and the time you worked for the Republic?

A. I drove a car for the Ford Motor Company when the American Legion had their convention in Cleveland.

Q. That was some time last summer?

A. Ten days, yes, sir.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. on the 31st day of April, 1937.

Q. Did you belong to the C. I. O. when you worked for the Associated Press?

A. No, sir, I didn't.

Q. The 3rd day of April, 1937?

A. I joined the S. W. O. C.

Q. At that time you were working for Republic?

A. At that time I was working for Republic, yes, sir.

Q. What was your job at Republic?

A. I went there to spray, which I was unable to handle in the booth back there, as it was too fast for me. I hadn't had enough experience to handle it.

Q. Then you took a job as sander?

A. Yes, and the foreman took me up and put me sanding tops on the refrigerators.

Q. Had you worked for any steel company before you went to Republic anywhere?

A. No, sir.

Q. This was the first experience you have had in a steel company?

A. I was not working in steel, that is, manufacturing steel, sir. I was out there as a painter or sander.

Q. Did you ever work as a painter or sander anywhere before?

A. Yes.

Q. Where?

A. At the Auto Paint Shop, Burlington, North Carolina, run by John Kaiser.

Q. When did you work there?

A. I worked there before I come to work for CWA. I don't know without going back and looking it up.

Q. About when?

A. Around in 1934, 1933 or 1934.

Q. When did you work for CWA?

MR. LAUTER: I think Mr. Day has gone far enough with this line of questioning. This is not a discharge case. He is not named in the complaint.

TRIAL EXAMINER LINDSAY: I think you have gone far enough, Mr. Day.

Q. Do you live in Cleveland?

A. Yes, sir, I live in Cleveland since 1925.

Q. Where do you live?

A. 4484 West 53rd Street.

Q. Married?

A. Yes, I am married. This is the second time.

Q. Are you working anywhere now?

A. I am working, yes, sir.

Q. Have you been active in the strike since the strike was called?

A. What do you call active, sir?

Q. You understand, you are an intelligent man. Have you been active in that understanding of the term?

A. What do you mean by active? I have been out trying to organize, if that is what you mean by activity.

Q. How long have you been doing that?

A. After I came out of the hospital at St. Alexis Hospital, Mr. Davis, originally Mr. Danitz—

Q. How long have you been doing it?

A. Well—

Q. I do not want to know how long you have been working for Mr. Danitz.

A. I went to Mr. Danitz and Mr. Danitz told me at that time he would put me on answering telephones and in the sub-district office under Mr. Favorito over there, as I was unable to work anywhere else, and that would help me pay my alimony in court. That was the 14th day of May and he said, "You will start at $100 a month."

Q. Since that time have you been working under Mr. Favorito?

A. I have.
Q. Vincent Favorito?
A. I have.

MR. DAY: That is all.

TRIAL EXAMINER LINDSAY: It is five minutes of 12. I guess we had better not start another witness. We will adjourn until 1:30.

(Witness excused.)

(Thereupon, a recess was taken until 1:30 o'clock p. m.)

Afternoon Session

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 o'clock p. m.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MR. LAUTER: Mr. Anneli.

GAETNO ANNELI

a witness called by and on behalf of the National Labor Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your name?
A. Gaetno Anneli.
Q. Where do you live?
A. I live at 3443 Orange Avenue.
Q. What is that?
A. 3443 Orange Avenue.
Q. Is that in Cleveland?
A. Yes, sir.

Q. Are you employed by the Republic Steel Corporation?

A. Yes, sir.

Q. What plant?

A. Corrigan-McKinney plant.

Q. When did you start working for the Republic Steel Corporation?

A. 1933, April 27th.

Q. What kind of work were you doing then?

A. They hire me as a laborer.

Q. How long did you remain a laborer? How long were you a laborer?

A. Since 1933, April 27th up to November 12th, 1936.

Q. What happened on November 12th, 1936?

A. They offered me a chance to going to chipper. They said, "Anybody want to go in chipper department?" And I was the one. I like to go there.

Q. So you were promoted from a labor gang to a chipper?

A. Yes.

Q. How long were you working on the labor gang?

A. I been on the labor gang.

Q. How much were you earning on the labor gang?

A. At that time, 47½ cents an hour.

Q. 47½ cents an hour?

A. Yes, sir.

Q. How much were you making as a chipper?

A. 52½ and then they raised, you see, only they fire me. I had 62½ cents an hour.

Q. When were you fired?

A. On February 20th, 1937.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join?

A. On the first part of January, first part, first week.

Q. January, 1937?

A. Yes, sir.

Q. Did you have a locker in the plant?
A. Yes, sir.
Q. Do you have keys to your locker?
A. Yes, sir.
Q. Did you ever lose those keys?
A. Yes, sir, I did.
Q. When did you lose those keys?
A. I lose my keys was around 8th of February.
Q. About the 8th of January, 1937?
A. Yes, sir.
Q. Did you have a regular key case?
A. Yes, sir.
Q. Have you got it with you?
A. Sure.
Q. What else did you have in the key case besides your keys when you lost them?
A. I had my membership card in C. I. O. Soon I notice I had my keys lost. I tried looking around all over the plant and I could not find them, see? So I had an idea, you know, to report to the gate, the city police, I had lost the keys, so anybody find and turn the keys in, it was mine, see?
Q. Do I understand you to say you reported your loss of keys to the gate police?
A. Yes, sir. I did report to the police, city, I mean Republic Steel police, I lost the keys, you see, and he took my name and my address and he said if somebody turn the keys in, we will let you know. All right.

After about four or five days, I had a call from George Bellew. My foreman was the superintendent of chippers department. I had a call and I went to see George Bellew.
Q. George Bellew?
A. Yes.
Q. Do you know how the name George Bellew is spelled?
A. (No response.)
A VOICE: B-e-l-l-e-w.

Q. Go ahead.

A. I wanted to see him. I went to see him. I was working 11 to 7 that time and in the morning when I was through my work, I went to office and he saw me. In the first place—I was there and I went to him but when I went about 10, 15 minutes, whatever it was, and he was first one asked me what I want, but I don't know what the hell I going to say. I wanted to know what he want, see? So he call me in the office and told me the chief of police, Captain Jones, was found my keys, see, and he says, "This morning you stop at the gate and wait 8 o'clock until Captain come and he going to give the key to you." At 8 o'clock I see Captain Jones. Then he call me into the office.

Q. Whose office did you go into?

A. Captain Jones' office.

Q. Captain Jones?

A. Yes.

Q. Go ahead.

A. As soon as he saw me he said, "You lost the keys?" "That is your keys?" So I said, he open up the key case—

Q. This key case you are referring to now and in your hands the one he turned back to you?

A. No, he still held himself in hands and showed me. It had a membership compartment same as this.

Q. Is that the same key case?

A. Yes.

Q. The one you are showing to the Examiner now?

A. Yes.

Q. Go ahead.

A. Same one. In first place, I didn't know what to say. I try to save myself. I know I was going to have fire because you know always I know Company no like outside Unions so I try to save myself. I don't know what you talking about paper, I told him, I don't know nothing about

paper, I told him. I know it was mine but I try to help myself.

Q. You say you know it was yours?

A. Yes, sir.

Q. What did you have in there?

A. Membership card.

Q. With your name on it?

A. Yes.

Q. Go ahead.

A. So I try to help myself to make him think I don't know nothing about paper. I try to make him believe it was not my card. "Well," he says, "don't give me that stuff." He says, "Who put it in there?" he says. So that I said I lost the keys, somebody found, I don't know. I tried to tell him I don't know nothing. He questioned me how many number was admitted and all that stuff and I told him I don't know, I don't know nothing.

So I took my membership card and you know I keep on saying I don't know nothing. I try to make him believe it was not mine, you know how, I had a family, see? I don't want to be fired because always you know what kind of a job a man, so I try to save myself, so I tore the paper in half. He held me back.

Q. You say you tore the paper in half. Are you referring to the membership card?

A. Yes.

Q. Just go on.

A. He was say, "Hold on, don't throw it away. Give it to me. I am going to check up your handwriting." So he had that membership card. I don't know what they did with that, see?

Anyhow, after a couple of weeks, some day, they fire me.

One time my foreman came to me and he said, "Tom, I am sorry." I don't know. He was nice fellow to me.

Q. Who was your foreman?

A. Bill. Bill. I don't know his second name. I know him by the name of Bill. He says, "I am sorry, Tom, you have to go to see George Bellew, the superintendent." I was surprised, see, I never had no argument about my work. See, I never take a day off.

Q. Have you worked continuously all the time you had been there?

A. Yes, sir.

Q. Have you had any conplaints about your work?

A. Never. Nothing.

Q. Did you go to see Mr. Bellew?

A. I went to Bellew that morning.

Q. Bellew?

A. I was working that time, it was the next week, 7 to 3. After I do my work I went to see George Bellew, he call me in office and he pull a piece of paper out of the desk and he started to read me a story of using too many chisels. I don't know nothing about it. I never heard that story before, too many chisels. At first he was going to say I use so much tools. Then he turned around and said I use too many chisels. I talk to him, I said I got a family, always I do my best, take care of my job, can't you give me a break? I got a family. He said, "I got a family, too." He told me, "You have to see George Krause, the employment man. You go see him."

Well, I took about three days before I get in touch with George Krause. I think, you know, probably I can make him understand so always I no like to get fired, so I tried somehow to fix it up but nothing doing. After three days I go see George Krause and as soon as he saw me, he called me in the office. He said, "What do you want?" I said, "I don't know. George Bellew sent me over here to see you. I don't know nothing about it." He sent me in next room. He said, "Go see Louie."

When I go see Louie, was a couple of men, they hired men that time, a couple of men was hired when I walked

in the next room. So he said, "you wait. Sit down." I wait, one of the them men give everything, so was all set to get a job, you know, and they call me up by name. All right. He said, "You are fired." I said, "Fire? How? I am surprised at that—"

Q. Speak louder.

A. He says,—I told him, "I am surprised, you know."

A. I told him, "I am surprised, you know. You know, I fired for that." So he says he got orders. "You fired." so they fix up my papers, give me my slip and they send me to main office to get my money, discharged for "suspicious".

Q. What did you say, there?

A. He gave me slip, piece of paper.

Q. Who gave you slip?

A. Louis.

Q. Louis?

A. Yes, sir.

Q. That is in Mr. Krause's office?

A. Yes, sir.

Q. What did you say about that slip?

A. Slip was say discharge was because suspicious.

Q. That is what was on the slip?

A. Yes, sir. I read it myself. I went to main office and they give me the money. I went home. After eight or nine days the George Krause come up to my house.

Q. Did you ever file a complaint with the Labor Board?

A. Yes, sir, right away. I think that was about a week or ten days after it happened to me. I never got in touch with Labor Board, I have to find out.

Q. After you filed complaint with the Labor Board, did Mr. Krause come to see you?

A. About after eight or nine days, that was a week or ten days, something like that.

Q. Do you remember when he came to see you? Do

you remember what day it was that Mr. Krause came to see you?

A. He comes to me in May the 18th.

Q. 1937?

A. 1937.

Q. He came to your house?

A. Yes, sir, and he told me to go down there, he wants me to go back to work. So the next day was May 19th, 1937. So I went there, you know. Fix him up my paper, I went through doctor's examination and they hired me as a new man again.

Q. What kind of work did you do when you came back after May 18th to Mr. Krause?

A. They never give me my job back no more, they send me to Labor Department.

Q. Working in the labor gang?

A. Yes, sir, I worked about a week, then they called strike.

Q. What pay were you getting in the labor gang when you were working in the labor gang?

A. When I go back?

Q. That is right.

A. 52½ cents an hour.

Q. How much had you made in the chipper gang, when you were working as a chipper?

A. 62½ cents an hour besides tonnage.

Q. Well, had the chippers gotten a raise since you were laid off?

A. Yes, sir.

Q. What are they getting now?

A. 72 cents and ½ an hour.

Q. Do you want your job back as a chipper?

A. Yes, sir.

MR. LAUTER: That's all.

Cross Examination

Q. (By Mr. Day) You joined the CIO?
A. Yes.
Q. In January?
A. Yes, sir.
Q. Have you any idea what time in January?
A. Around the first part, the first week.
Q. You worked for Republic for—all in all for quite a long time, didn't you?
A. Since 1933 I started work.
Q. 1933?
A. 1933.
Q. 1933?
A. Yes, sir.
Q. And you worked as a laborer for a while?
A. Yes, sir.
Q. And then you became a chipper?
A. Chipper.
Q. And when you were laid off you were told that you spoiled too many tools, tools?
A. Yes, that is what they told me.
Q. That is what they told you?
A. Yes, sir.
Q. Then you went back to work again on May 19th as laborer?
A. I started the 19th, I mean on the 20th, May 20th, 1937.
Q. May 20th?
A. Yes, sir.
Q. You were working there when the strike took place?
A. Yes, sir, we all went out on May 26th.
Q. Have you been out on the picket line?
A. Yes, sir.
Q. Right along, take your turn?
A. Yes, sir.

MR. DAY: I couldn't understand some of the testimony of this witness, and we will meet the rest of it when we put our case in, as far as he is concerned. That is all of the cross examination.

TRIAL EXAMINER LINDSAY: You may have it read, if you wish.

MR. DAY: That is all.

MR. LAUTER: I am not sure that I understood that Mr. Day said it was not your intention to recall that witness, it was your intention to put in defense?

MR. DAY: No, not recall the witness. I said it might be necessary to put most of our case in as to him in our own case, because I couldn't understand all of his testimony. So the cross examination is over.

MR. LAUTER: I wondered whether that remark became part of the record, namely that the testimony of this witness could be read to Mr. Day?

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: I didn't understand.

MR. DAY: Well, I would rather not have it read now.

TRIAL EXAMINER LINDSAY: That is up to you, Mr. Day.

MR. DAY: Yes.

(Witness excused.)

THOMAS CIKAH

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your name?

A. Thomas Cikah.

Q. Where do you live?

A. 2614 Broadway.

Q. Are you employed by the Republic Steel Company?

A. Yes, sir.
Q. When did you start working for them?
A. May 9th, 1925.
Q. 1925?
A. Yes, sir.

TRIAL EXAMINER LINDSAY: May I inquire? This is off the record.

(Discussion held off the record.)

TRIAL EXAMINER LINDSAY: Do I understand this last witness is still working?

MR. LAUTER: No, he is out on strike.

TRIAL EXAMINER LINDSAY: On the record.

Q. (By Mr. Lauter) Have you been laid off since you started to work in 1925?
A. Yes.
Q. What kind of work have you been doing?
A. Electric locomotive.
Q. What plant is that?
A. Coke plant.
Q. Is that in the Cleveland plant?
A. That is Cleveland, Corrigan-McKinney.
Q. Are you working at Republic now?
A. Not now.
Q. Were you discharged?
A. Yes.
Q. When were you discharged?
A. I was discharged the 9th of July.
Q. 1936?
A. That is right.
Q. Now, when did you join the CIO?
A. On the 2nd of July. First or second, between these couple of days.
Q. And was it after you joined CIO that you were discharged?
A. Yes
Q. Wh. .as Superintendent Wall?

A. Mr. Wall.

Q. And was he superintendent of you?

A. Superintendent of coke plant.

Q. Is that Corrigan-McKinney plant?

A. That is right.

Q. Did you have any conversation with him a short time before your discharge?

A. Just about five or six days after I got laid off, he called me in the office and asked me, "Did you join any union?" I say, "No." I was joined, but I would not tell him true, because I knew what was going to happen.

Q. You say you were a member of the union?

A. Yes.

Q. But you didn't tell him?

A. No, I don't tell him. He say, "For Christ sake, don't join union, they are no good. They don't give you anything."

Q. During the 11 years that you have been there?

A. Yes.

Q. Has there been any complaint about your work?

A. No, sir. Just last week sometime before I was up in office, after week I was called up every night, he tell the general foreman, he say, "Take that man out." That is all. He was working me all through five days and through the night.

Q. Did you file complaint with the Labor Board?

A. Yes.

Q. After you filed complaint were you called back to work?

A. Yes, sir.

Q. Was that on May 14th of this year?

A. Yes, sir, that is right.

Q. Who is Mr. Hackler?

A. That is the general foreman.

Q. Is that the general foreman over you?

A. Yes, sir.

Q. Did you have any conversation with him? Do you recall that?

A. Yes, sir.

Q. What was the conversation?

A. Well, he was come to second night I was on my job, was quarter to 9 on the second shift, he is come on the locomotive operator job, he say, "It is no hard feeling," but he say, "last time happen, don't be happen any more."

Q. Repeat what Mr. Hackler said to you.

TRIAL EXAMINER LINDSAY: Repeat the whole conversation.

A. He says, Hackler says, "No hard feeling, you aren't going to happen any more like this." It was a quarter to 9 of the second turn, quarter to 9.

Q. Now, when you were working as locomotive engineer.

A. That is right.

Q. How much were you earning?

A. At that time was 72. It is 59½ cents an hour.

Q. You were making 59½ cents an hour?

A. Yes.

Q. How many hours a week were you working?

A. Eight hours a day.

Q. Were locomotive engineers increased? Was their salary raised?

A. Yes. There was two raises.

Q. What?

A. Was two raises since I was laid off.

Q. What are they getting now?

A. I think they get 74.

Q. Have you had any work since you were laid off or discharged?

A. No.

Q. Except for work that you did since May 14th?

A. That is right.

Q. You went back?

A. Yes.

Q. Did you go back to your old job when you went back?

A. That is right, I was three days' different jobs, the fourth day I went back to my old job.

Q. Got back your old job as locomotive engineer?

A. That is right.

Q. When the strike came on May 26th did you go out on strike?

A. That is right.

MR. LAUTER: That is all.

Cross Examination

Q. (By Mr. Day) When did you join CIO?

A. July about the 2nd.

Q. 1936?

A. That is right.

Q. And you were laid off or discharged July 31st, 1936, is that right?

A. No, I think it is July 9th.

Q. July 9th, 1936?

A. That is right.

Q. Then you were re-employed about May 11, 1937?

A. Yes.

Q. At the same work?

A. Same job.

Q. You were working at that work up until the time of the strike?

A. Yes.

Q. And you went out on the strike? And have you been doing picket duty?

A. That is right.

Q. Do you run a beer parlor?

A. Not me, my wife.

Q. Your wife?

A. That's right.

Q. Is that close to the plant?

A. That's right.

Q. Which plant is that?

A. Corrigan-McKinney.

Q. Corrigan-McKinney?

A. Yes.

Q. Have you any interest in the beer parlor at all?

A. No.

Q. You mean your wife owns it all?

A. That's right.

Q. How long has she run it?

A. Couple of years.

Q. Couple of years?

A. Yes.

Q. Your job was quenching—What was your job?

A. What do you mean, job?

Q. When you worked for Republic, what did you do?

A. Electric locomotive.

Q. Were you what was known as a quenching car engineer?

A. That's right, that's right.

Q. Just tell the Examiner what that means.

A. That is quenching car, is locomotive just like engineer or train or something, he got to take just like engineer on a train.

Q. Was it part of your job to stop the smoke and put out the fires that might start at doors of ovens?

A. That's right.

Q. Did your boss find fault with the way you did that?

A. No, sir.

Q. Isn't it a fact that at various times—

A. Oh, yes, sir, wait a minute. I will tell you about it. Listen. You are on locomotive, or you are on automobile, you can't do something else. You have got to run the auto-

mobile. If you stop the automobile, you got to do something else. You can't do two jobs a. once.

Q. My question is whether or not your foreman didn't find fault with you for not stopping this smoke and putting out fires?

A. Um-hum.

Q. In especially charged ovens?

A. That is why I got fired, yes.

Q. That is what they told you they fired you for?

A. Yes, and of course they got to put there something.

Q. That's all.

A. I was doing the same thing after, when they called me back, I was doing the same thing, I was all right.

Redirect Examination

Q. (By Mr. Lauter) You say you were doing the same work when you got back?

A. The same way, they never say a word, it was o. k. just one week I was back, they don't call me, I figure I join union. He says, "We will make this man off."

Q. There was some question of a beer parlor that your wife had, do you know Mr. Balint?

A. Yes.

Q. Al Balint?

A Yes, sir.

Q. Did he ever go to your beer parlor?

A. Absolutely.

Q. Any other CIO members there?

A. Yes, sir, find out, they come in like anybody else.

Q. And did they ever hold bar meetings there?

A. He asks if they can't have a table. I say, "Yes, just like anybody else." That is what table is for.

Q. Is your beer joint ever watched by mill police?

A. That's right.

Q. Some of the mill police used to watch that place?

A. Yes, sir.

Q. You have seen them?

A. No, I have seen them across the street, I was working that night, there was two big cars, Studebaker, I think it was, I didn't see, but I see the watchman, this happened two months before she was held up, took $48 and some small change and my wife's citizenship papers.

Q. Tell me more about the time your place was watched by the police.

MR. DAY: I object to that on the ground that it has no connection with the respondent.

TRIAL EXAMINER LINDSAY: Just a minute, I will overrule the objection for the time being.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: Let the record show an exception.

MR. DAY: Exception.

MR. LAUTER: If you please, Mr. Examiner, even though you overruled, I would like to explain the basis for my redirect, here. This man was fired—

MR. DAY: Objection.

MR. LAUTER: He said, "For the time being," as I heard him.

TRIAL EXAMINER LINDSAY: I overruled the objection.

MR. DAY: Yes.

MR. LAUTER: Did I hear you say "for the time being"?

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: I will make my explanation if your objection is renewed again.

Q. Go ahead, tell me what happened.

A. There was two big car watching around, somebody squawk, say they going to meet at my place. Somebody reports, stool pigeon, I guess. Well, there was two big cars was full of, I guess, company stool pigeons, police, or

what the hell it was, I don't know. I was working that night. Across the street Lot Murray, then he was waiting, he thinks somebody going to hold up again, then he walk out through the street, he say, "Buddy, you better watch yourself, try to hold you up again." She was scared to let beer party inside, everybody was scared. Then when I come home, you know—

Q. Just tell me over again what you started to say, when you said that you came home?

A. All right, I come home, my wife she tell me that she—she say, "Christ sake, to leave that place because there is lots of police watch this place."

Q. By that do you mean more police?

A. Yes, more police. They find out, at least the company are find out from police down in the plant, now no bum start hold-up.

Q. You found out the men standing across the street was mill policeman?

A. Was big machine, was big Packard, two cars was full.

Q. Had there been any complaint from people around your neighborhood about the fact that mill police were watching your place?

A. Yes.

Q. Who complained about it, do you know?

A. I hear lots of guys was coming in, well, police come in to watch the place.

MR. DAY: We object to that conversation and move that the whole incident and the relation of it be stricken out, not related to the respondent, not connected with the respondent in any way.

TRIAL EXAMINER LINDSAY: Motion denied, let the record show an exception. You opened it up, Mr. Day.

MR. DAY: I didn't open that up.

TRIAL EXAMINER LINDSAY: Proceed.

MR. DAY: Exception.

Q. (By Mr. Lauter) Did you speak to any of the people who live across the street from where your wife has a beer saloon?

A. Yes.

Q. Did they have any conversation with you in which they complained about the fact that mill police were watching?

MR. DAY: I certainly object to that conversation that he had with somebody across the street.

A. What he says is two big cars.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

Q. All right. Tell me what the conversation was.

A. What do you mean?

Q. Across the street, you say that there were people complaining about the fact that mill police—

A. I was standing on the porch, two cars came around, go around Champion Street.

Q. Did they stop in front of the house on the other side of the street?

A. They watched inside. He says, "You know, you can't have no meeting in beer garden."

MR. DAY: Is this something somebody told him, now, or something he thought himself?

THE WITNESS: Oh, the other guy he say this, he going to get it up again like couple of months before. I say that and that guy he was going to get on top again, I know was a couple of months before.

MR. LAUTER: Let me ask you one more question.

Q. (By Mr. Lauter) Did you ever have a conversation with the people who live on the opposite side of the street on which your wife has a beer parlor in which they

complained about mill policemen standing on the opposite side of the street watching your place?

MR. DAY: Same objection on the same ground.

A. Yes.

TRIAL EXAMINER LINDSAY: Objection overruled. The record will show an exception.

MR. LAUTER: That is all.

(Witness excused.)

FRANK PINICHY

a witness called by the National Labor Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your name, please?

A. Frank Pinichy.

Q. Where do you live?

A. 9008 Cumberland.

Q. Is that in Cleveland?

A. Yes, sir.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, sir.

Q. How long have you worked for them, about?

A. I started in 1934, May. Me and Brother Balint started at the same time.

Q. You worked there rather steadily since that time?

A. Yes. We was working off and on.

Q. Were you working in September of 1936?

A. Yes, sir.

Q. Do you belong to the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. on July 1st, 1936.

Q. July 1st?

A. July 1st or 2nd, I would say.

Q. 1936?

A. 1936.

Q. Were you very active in the C. I. O. after you joined?

A. Yes, sir.

Q. What sort of activity did you do?

A. In my department, that department I worked, I organized that whole turn in the chipper department.

Q. You organized the members of the chipping department?

A. Yes.

Q. How many men?

A. About 100 men.

Q. When did you organize these men? When would you talk to them?

A. During lunch hour and after work.

Q. Did you ever organize any during actual working hours?

A. No, sir.

Q. How long did you work for Republic at that time?

A. I believe I worked about six or seven weeks before I got fired.

Q. When did you get fired?

A. I was fired, I could not recall.

Q. Well, do you remember what month it was.

A. It was in the fall. I do not remember exactly.

Q. It was in the fall?

A. Yes.

Q. All right. What turn were you working on the day you were fired?

A. I was working on the second turn.

Q. What do you mean by second turn?

A. That is 3 to 11 shift.

Q. Did you go to the mill that day?

A. Yes, sir.

Q. Will you tell us what transpired as you got to the mill?

A. I come down around a little after two o'clock and when you go in the mill, you have to stop by the watchman to get your time card, they have a card there, where your card is.

Q. Just a minute, Mr. Pinichy. You say you stopped by the watchman, is that the same—

A. Watchman, yes.

Q. Are those the same men that the other men who have testified have called Company police or mill policemen?

A. Yes. That is what they call Company police or watchmen.

I go to the rack, I don't have no card in there. I went back and asked the watchman, "Have you seen my card?" He asked my name and my badge number and he say, "yes. Here it is. Right here." He had it in the desk. He had about six or seven cards in the desk. He had a note attached to that card. He said, "You have to go down and see Mr. Krause next morning." I said, "Why what is all about?" He said, "I don't know. I cannot tell you." He said he had nothing else to do, they won't let me go in the plant. Next morning I went down to see Mr. Krause—

Q. Just a minute. Did you see anybody else before you left that night or did you leave the mill right then?

A. I left the mill right then.

Q. And this man said for you to see Mr. Krause the next morning?

A. Yes, sir.

Q. Did you go down the next morning?

A. Yes, sir.

Q. Will you tell us what transpired when you went there the next morning?

A. I got down around 9 o'clock next morning and

walked in there. I told him the watchman sent me down to see you. Well, he asked me, "What is your name and badge number?"

Q. Pardon my interruption. This is Mr. Krause that asked your name?

A. Yes. I told him my name, my badge number, and he pulled a sheet of paper out of his drawers, he had about seven or eight names on it. I looked on it. He had my name right on the top. I was the first one on the list and he said, "Frank, I got to let you go." I said, "Why, George?" He said, "I don't know. I cannot tell you. That order has come from Mr. George Bellew." He is assistant superintendent of the chipping department. He was that time.

Q. Was he your superintendent or assistant superintendent?

A. He was assistant superintendent of my department.

Q. Were you a chipper?

A. Yes, sir.

Q. All right. What else did Mr. Krause have to say after saying he did not know, that came from Mr. Bellew?

A. Well, I asked him, "Could you tell me why I being fired?" He said, "No, I haven't got the slightest idea." He said, "I ain't got nothing to do with it. That order came from Mr. Bellew. He knows all about it." I asked him, "Is there anything wrong with my work?" He said, "According to my record, you perfectly O. K." He said, "I have no complaint against you. I don't know what it is all about." Well I told him I would like to see Mr. Bellew. He said, "Well, no, you cannot go in the plant." He said, "You could call him up." I asked Mr. Krause right there could I call him up from there and he said, no. He said, "You have to go back to the gate where you are punching card and you tell the watchman there and he going to call him up for you."

Well, after I got my slip to get my money, I come up

to the No. 1 gate to the watchman. I told the watchman I want to call up George Bellew. That was around about 11 o'clock. He looked at me. He said, "It is no use to call him up because he is not in now." But I know he was in there. He said, "If you want to call him up, you get outside telephone and call him up."

I just forgot all about it.

I left him and I went up to the main office to get my money and I went home.

Q. How were you able to get your money?

A. They give you a slip when they fire you, through that slip you got to get your money and on that slip is stated why you was fired or laid off or what.

Q. Did anyone give you a slip?

A. Mr. Krause give it to me.

Q. Mr. Krause gave it to you at the time you related this conversation?

A. Yes.

Q. What did that slip have on there as the reason for your discharge?

A. That was marked, "No work," but the same day—

MR. DAY: What did he say?

TRIAL EXAMINER LINDSAY: No work.

A. But the same day they had put 16 or 20 men in that employment manager offices they hire that day and in my department, the first week, they hired oh, I would say, around about 15 to 20 men, new men.

Q. The same day you were fired?

A. The same week.

Q. They hired them the same time you were fired?

A. Yes. They was hiring new men.

Q. Were these men laid off at the time you were working?

A. New men, they was not working there before.

Q. Some of them were hired the day you were laid off, is that right?

A. Yes, sir.

Q. You say you went up and got your money?

A. Yes, sir.

Q. Did you leave the mill then?

A. Yes, sir.

Q. Did you go back to the mill at any time after that to try to get your job?

A. Yes, sir. I went back about two weeks after I was fired because they was hiring men in the mill and I thought maybe I have a chance to get my job back.

Q. Who did you see when you went back two weeks later?

A. Well, it was Monday morning when I went to see them, they have about 200 men in the employment office, I don't have a chance to see Mr. Krause, but the next day, that was Tuesday, I saw Mr. Krause and he told me, he said, "I am sorry, we ain't got nothing open." But they hired 40 or 50 men that day and they say they ain't got nothing open for me.

Q. Did you go back again after that?

A. Well, not shortly. I went back about a month after that to see Mr. Krause. Everytime I went to see him, he give me some answer, he say, "We have nothing for you."

Q. Did you come down to the Labor Board and file a complaint?

A. Yes, sir.

Q. About when was that that you went down there?

A. I believe a week after I was fired. Me and Mr. Balint, we went down there and filed a complaint.

Q. Have you worked since the day you were fired?

A. Yes, sir.

Q. Where have you worked?

A. I was working on WPA.

Q. You were working on WPA?

A. Yes, sir.

Q. How long did you work there?

A. I worked on WPA four and a half months.

Q. What pay did you draw on that?

A. I was getting $71 a month.

Q. $71 a month?

A. Yes, sir.

Q. Have you earned any more money since you were discharged?

A. No, sir.

Q. Going back a moment to the time you were working, tell me, on the chipping job, did you work alone or did you work with somebody?

A. On the chipping department is two men working together as partner.

Q. Who was your partner?

A. Mr. Balint was my partner, when we got first hired in the mill.

Q. Is that the same Mr. Balint that has testified here today?

A. Yes, sir.

Q. At the time you were discharged, Mr. Pinichy, what was your pay down at the mill?

A. 58 cents an hour without bonus. With bonus was making around 60, 62 cents an hour.

MR. HOSKINS: I did not quite understand that. Will the Reporter read that?

(Last answer read.)

Q. Do you know whether the chippers have been given an increase in pay since you were discharged?

A. Yes, sir.

Q. Do you know what they are making now?

A. They make 72 cents an hour, around 72 cents an hour.

Q. Do you want your job back at Republic?

A. Yes, sir.

MR. HOSKINS: I believe that is all.

Cross Examination

Q. (By Mr. Day) Are you doing picket duty now?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. When did you do it last, yesterday?

A. Last night.

Q. Last night?

A. I am a picket captain.

Q. You are a picket captain on duty last night?

A. Yes, sir.

Q. Do you expect to go back on duty when you get out of here?

A. Yes, sir, go back tonight.

Q. Tonight. You joined the C. I. O. in July, 1936?

A. Yes, sir.

Q. And when you went and filed your complaint with the Labor Board, Brother Balint went along?

A. Yes, sir.

Q. Did he help you file it?

A. Yes, sir.

Q. You worked for Republic back in 1934 first, did you not?

A. Yes, sir.

Q. Did you start out as an apprentice chipper?

A. Yes, sir, we was.

Q. Then you became a chipper?

A. Yes, sir.

Q. Do you remember that you were laid off in November of 1935?

A. Yes, sir.

Q. About that time?

A. We was laid off several times during the slack.

Q. Then in March, 1936, you went back to work again as a laborer?

A. Yes, sir. I got—I work 10 days in the labor department.

Q. And do you remember that you were discharged because you were lazy and your work was unsatisfactory?

A. No, sir.

MR. HOSKINS: I object to the form of that question. I ask the answer be stricken out.

MR. DAY: What is the matter with the form of it? It is cross-examination.

TRIAL EXAMINER LINDSAY: Yes. Objection is overruled. The record may show an exception. Go on.

Q. Well, you were discharged in April, 1936, is that right? After you had worked 10 or 11 days, you were discharged in April, 1936?

A. Not discharged, laid off.

Q. Laid off?

A. I like to explain to you about that 10 days. That time they had three or four furnace blowed up in the open hearth and to repair them furnaces they was hiring chippers. They hire right about a hundred chippers. I was one of them chippers. I was able to work 10 days. Some of us worked 9 days, 8 days and 12 days.

Q. Then after you were laid off, you were rehired as a chipper around in July, 1936, a year ago last July, is that right?

A. Yes, sir.

Q. And then you worked until about the last of August and then you were laid off again?

A. Yes, sir; that was the time I was fired.

Q. Were you fired then?

A. Yes.

Q. And were you told by your foreman you were fired because you were lazy?

A. No, sir.

Q. Because your work was not satisfactory?

A. No, sir.

Q. Then on May 11th, 1937, that is last May 11th, just before the strike, you went ba .o work again?

A. Yes, sir; I was called back work.

Q. You worked there until May 26th, when the strike started?

A. Yes, sir.

Q. And you joined the C. I. O. a year ago July and you were active in the C. I. O.?

A. Yes, sir, I was.

Q. When was it that you first started to work after the strike?

A. After the strike?

Q. After the strike did you try to go back to work?

A. No, sir.

Q. You have not tried to go back?

A. No, sir.

Q. You have been out in the picket line?

A. I have been out in the picket line?

MR. DAY: I think that is all.

(Laughter.)

MR. HOSKINS: Just a moment, please.

TRIAL EXAMINER LINDSAY: Let's not have any noise in here.

Redirect Examination

Q. (By Mr. Hoskins) On Cross-Examination you said you had gone back to work May something of this year and worked up until the time of the strike, is that right?

A. That is right.

Q. How many days did you work, do you remember?

A. I believe six or seven, 15 days, we worked 15 days before we go on strike.

Q. What were you working as then?
A. Sir?
Q. What were you working as then?
A. I was hired back as a chipper.
Q. You were hired back as a chipper?
A. Yes, sir.
Q. Now, in all of your employment down there, have there ever been any complaints against you that you remember, that you have been advised of?
A. No, sir.
Q. None?
A. Never.
MR. HOSKINS: I think that is all.

Recross Examination

Q. (By Mr. Day) Do you carry any ball bats or clubs or things like that on the picket line?
A. No; we don't use them.
Q. Never carried them?
A. Not if not necessary.
(Witness excused.)
MR. HOSKINS: Call John Popik.

JOHN POPIK

a witness called by and on behalf of the National Labor Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name?
A. John Popik.
Q. Where do you live?
A. 6476 Traymore.

Q. Now, Mr. Popik, will you speak just as loud and slow as you can so that we all may hear you? Is that in Cleveland where you live?

A. Brooklyn Village.

Q. Brook—

A. Brooklyn Village.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes.

Q. When did you start to work, do you remember?

A. 1934.

Q. 1934?

A. February 6th.

Q. What plant was that?

A. Coke plant.

Q. Coke plant. Is that part of the Corrigan-McKinney Works?

A. Yes, sir.

Q. What was your job there?

A. Rigger.

Q. You were a—

A. Rigger.

Q. —rigger?

A. Rigger.

Q. How long did you work there?

A. At that time I was working about five, six months, and then I get laid off.

Q. Then did you subsequently go back?

A. Yes.

Q. When was the last time you went there?

A. The last time I worked there was 1936.

Q. About what month, do you know?

A. About August 9th.

Q. August 9th. What happened on August 9th?

A. Well, August the 9th, it was happen my day off.

I was at home and they sent a machine for me down to my home.

Q. They sent what?

A. A machine.

Q. A machine?

A. A machine, from work to my home. That was about 11 o'clock and I came home about 12 o'clock. They was wait for me.

Q. Who was waiting for you?

A. A fellow by the name of Andy who worked in the office.

Q. His name was Andy?

A. Yes.

Q. Whose office does he work in?

A. Republic Steel office.

Q. Whose office in Republic Steel?

A. Well, where they got the insurance.

Q. All right.

A. Insurance.

Q. What did Andy have to say to you?

MR. DAY: We object to any conversation between him and Andy. There is no evidence that Andy had any authority to act for the Respondent, no connection shown with the Respondent.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. Well, I came home, and Andy said, "Why you should come right away with me because they want to see you."

Q. Did you go with him right away?

A. Yes. I asked him why they want to see me and he said something about the job and we start in going. He brought me close to the office. He said, "Now you go in Mr. Agnew's office."

Q. Who is Mr. Agnew?

A. Master mechanic.

Q. He is the master mechanic?

A. Yes.

Q. Did you go to Mr. Agnew's office?

A. Yes, I went in his office and he asked me if I am sure that is true I join C. I. O. Union.

Q. Mr. Agnew asked you if it was true that you joined the C. I. O. Union?

A. Yes.

Q. All right. Go ahead, please.

A. I told him yes, I told him. Then he asked me what happened, I lay off, what the Union do for me? I told him, "Mr. Agnew, Union going to get strong and organize, why they might do something for me." Then he told me, "Don't you know that this plant never going to be organized?" I asked him, "Why, Mr. Agnew?" He said, "Because this Company got a lot of money and going to break any Union in the world." Well, I told him, "Maybe." And that is all there was and he said, "That is all."

Q. Is that all he wanted you for?

A. Yes.

Q. Then did you leave the mill?

A. Then I left the mill that day. The next day I came back to work.

Q. You said this was your day off when this conversation took place?

A. Yes.

Q. And you came to work as usual that morning?

A. Yes.

Q. Did you work that day?

A. Yes. The second day was Saturday, about 2:30 again he called me in the office.

Q. Who called you?

A. Mr. Agnew.

Q. Who came to get you?

A. Well, Paul is his name, he is assistant to Cooper. Cooper is the boss and Paul, he came after me.

Q. Did you go to see Mr. Agnew?

A. Yes. I went to see him again.

Q. Go ahead.

A. When I came in the office, he told me, "I got news for you." I asked him, "What news?" He said, "Well, I got to let you go. That is the news."

Q. Is that all he said?

A. Yes, that is all he said and I went. On my way, we was going away and Paul told me I should go see Mr. Krause.

Q. Who is Mr. Krause?

A. Employment manager.

Q. Did you go see Mr. Krause?

A. Well, I started. I didn't go that day but Monday I went to see Mr. Krause and I seen George Krause that time and I told him why I get lay-off again and he said, "Well, there isn't any complaint on your work" and he didn't say much. I said, "Because I joined the C. I. O.?" And he said, "Sh-h-h."

Q. He put his fingers to his lips and said, "Sh-h-h"?

A. Yes. That is all there was.

(Laughter.)

Q. Did he offer you any work?

A. No.

Q. During the last week or 10 days you worked, were you requested to join any other Union or to sign any particular papers while you were working?

A. No.

Q. Did anyone ever ask you to sign a sheet of paper?

A. When I came last time, he gave me a white card, if I feel like signing, I could sign, but I didn't sign.

Q. Who gave you that?

A. George Krause.

Q. When was that?

A. That was on February 8th when I started, I mean May.

Q. Around May 8th?

A. May 8th.

Q. After you were laid off, did you file a complaint with the Labor Board?

A. Yes.

Q. Then you say on May 8th you went back to work?

A. Yes.

Q. How did you happen to go back to work?

A. They put a card for me.

Q. They sent a card for you?

A. Yes.

Q. Do you remember what this card said?

A. Well, the card say, that is all I know, if I have no employ I should report myself on Republic Steel office, main office.

Q. And did you go down?

A. Yes.

Q. And you saw Mr. Krause?

A. Yes.

Q. What did Mr. Krause say?

A. Oh, I don't remember much. He told me, "Hello, John." And shook hands and he gave me paper and sent me to work. I went to the doctor, and went to work.

Q. You went to the doctor?

A. Yes.

Q. Were you examined?

A. Yes.

Q. You say Mr. Krause gave you a card?

A. Yes.

Q. And he told you to sign it?

A. Yes.

Q. Something like that?

A. Yes.

Q. Between the time you were laid off and discharged and the time you got this card to go back to work, how do— had you been trying to get your old job?

A. Yes, twice.

Q. You went down twice?

A. Yes.

Q. Who did you see there that time?

A. Krause, George Krause.

Q. You saw George Krause?

A. Yes.

Q. What did he have to say?

A. About a month later, after I got laid off, I went to see him. I asked him if he got anything for me. Then he asked me if I lived at same address where I used to live. I told him yes, and that is all. He said he ain't got nothing.

Then second time, about a month and a half, again I went the same way and I asked the same question and he said no, he ain't got nothing, yet.

Q. Do you know Mr. Cooper down there?

A. Yes.

Q. Who is Mr. Cooper?

A. Rigger boss.

Q. He was your boss?

A. Yes.

Q. Well, while you were working, did he ask you to sign anything?

A. Yes, once before I got laid off.

Q. How long before you got laid off?

A. About three or four days.

Q. What did he ask you to sign?

MR. DAY: I object to the conversation of this witness with Mr. Cooper on the grounds I have already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. The record may show an exception.

Q. What did he have to say?

A. It was a sheet of paper and it was for inside Union. Everybody—he told me everybody in the bunch, that was in the morning, we should sign that sheet of paper.

Q. Where were you at that time?

A. In the dressing room.

Q. On your way to work or when you had finished work?

A. When we go to work in the morning.

Q. Did he tell you what that paper was?

A. They all know that was for inside Union, we know that. They told that before.

Q. And do you know a man named Charlie down there who works in Mr. Cooper's office?

A. Yes.

Q. Did he ever tell you anything about signing a paper?

MR. DAY: I object to that unless there is some slight identification of who Charlie is.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that objection for the time being.

Q. Who is Charlie, do you know?

A. He worked under Cooper, clerk.

Q. You don't know his last name?

A. No.

Q. Do you know what his job is there?

A. Well, he just do like I say, clerk.

Q. How many clerks are there in Mr. Cooper's office?

A. Yes.

Q. How many are there in there?

A. Only himself.

Q. Only Charlie?

A. Yes.

Q. Did he approach you?

MR. DAY: Objection on the same ground. Any conversation between this witness and Charlie.

TRIAL EXAMINER LINDSAY: I will overrule that objection. Let the record show an exception.

A. Well, that day when I had that day off the time they told us about signing that paper, that day was my day

off and almost—our gang almost everyone signed it, only those fellows who was off, we didn't sign it. That morning when I come, Charlie came to me and he said, "you ain't sign that paper," and he says, "All fellows wise," I don't remember, exactly, five or six, and he said, "Well, everybody signed it." I started talk to another fellow we should because if we don't we might get the hell out of here.

Q. You told that to the four or five?

A. Yes.

Q. How many men were there?

A. A whole bunch.

Q. What language did you speak to them in?

A. Slavish.

Q. What did you say to them?

MR. DAY: I object.

A. I told them we should—

TRIAL EXAMINER LINDSAY: I will sustain the objection.

Q. These men that were around there during the time that Charlie had said four or five of you had not signed, were those four or five men right with you at the time?

A. Yes. They want us to go then and sign it, see? I told them we should sign it and if we want to belong to outside Union, we can belong but they don't need to know. That is what I told them. Two days after that—

MR. DAY: I move that be stricken out on the ground we objected to it before.

TRIAL EXAMINER LINDSAY: Yes. What you told him is stricken out.

MR. HOSKINS: If the Court please, I think that Mr. Popik's remarks are rather relevant in view of the fact that he made them to a group of men.

TRIAL EXAMINER LINDSAY: Well, he testified he took them all in and he signed. I think that is sufficient.

MR. HOSKINS: But any remarks he has stated—

TRIAL EXAMINER LINDSAY: I have made my ruling, Mr. Hoskins. Proceed.

Q. During the time you were out of work after you were discharged and before you returned to work, did you work any place?

A. No. Part time. I hauled some coal, in the winter time.

Q. You hauled some coal?

A. Yes.

Q. In your own truck?

A. Yes.

Q. Do you know how much money you made as to net profit on hauling that coal during all that time?

A. I can't imagine—maybe around $50 or $75.

Q. Fifty or seventy-five dollars?

A. Yes.

Q. How much money were you making on a ton on a truckload?

A. A dollar and a quarter a ton.

Q. Do you know how many tons you hauled?

A. Well, I cannot tell exactly, but I am sure not over 80 ton or 75, something like that.

Q. And out of that dollar and a quarter, you paid for your operating expenses?

A. Yes.

Q. What were you making when you were discharged down there? What was your salary as a rigger?

A. 55 cents an hour.

Q. 55 cents an hour?

A. Yes.

Q. Did you have a tonnage or bonus on top of that?

A. Yes.

Q. Plus a bonus?

A. Yes.

Q. Do you know what your average earnings were per day?

A. Pretty hard to tell. Some weeks they give us seven, eight dollars, some weeks five, ten, I cannot figure it out.

Q. Do you know whether the riggers have been given a raise since you were discharged.

A. Yes, they got two raises.

Q. They got two raises?

A. Yes.

Q. Do you know what they get today?

MR. DAY: I object. That is a pretty indefinite way to prove what they are making.

TRIAL EXAMINER LINDSAY: Overrule the objection. You can meet that on your side of the case.

Q. Do you know what they are making now?

A. 72 cents and 75.

Q. Do you want your job back down there?

A. Yes.

Cross Examination

Q. (By Mr. Day) Are you out on the picket line now?

A. Yes.

Q. How often?

A. Pretty near every day.

Q. What plant?

A. I used to be by Clarke Bridge all the time.

Q. Did you carry a stick out in the picket line?

A. Never.

Q. Anything at all?

A. No.

Q. You started out with Republic back in 1934, did you not?

A. Yes, sir.

Q. And you started as a rigger?

A. Yes, sir.

Q. And then do you remember you were laid off a while after you started?

A. Yes.

Q. When work got slack?

A. Yes.

Q. And then you came back to work again in January, 1935?

A. Yes.

Q. And then you were laid off again in October?

A. Yes.

Q. Then do you remember you came back to work again about March, 1936?

A. Yes.

MR. DAY: I will say to the Court, we expect to show all these dates. I am not trying to bind him by any dates.

Q. Now in July, was it when you were laid off the last time? Was it July or was it some other month in 1936?

A. 1936, August.

Q. August?

A. Yes.

Q. Now, you had been working on what before that? What work had you been doing?

A. All the time same job, rigger.

Q. Were you making repairs to the blast furnace?

A. Yes.

Q. And the main power station?

A. Yes.

Q. And when that work was finished, were you laid off?

A. No; when I got laid off, we were working on the dock.

Q. On the dock?

A. Yes.

Q. Were there other men laid off the same time you were?

A. Not the last time.
Q. Not the last time?
A. No.
Q. Are you sure about that?
A. I am sure.
Q. Then you went back to work again May 26th of this year?
A. Yes.
Q. As a rigger again?
A. Yes.
Q. And you worked until the strike was called?
A. Yes.
Q. And of course, since the strike was called, you have been out on a strike?
A. That is right.
Q. You joined the C. I. O. when?
A. About August 3, 1936.
Q. You joined the C. I. O.? About a year ago?
A. Yes.
MR. DAY: I think that is all.
TRIAL EXAMINER LINDSAY: Just a minute.
Q. (By Mr. Day) You have been on the picket line ever since the strike?
A. Yes.
Q. You have not gone back and asked for your job then, have you?
A. No.
MR. DAY: That is all.
(Witness excused.)
MR. GROSSMAN: Call Mr. Neuman.

WILBERT NEUMAN

a witness called by and on behalf of the National Labor Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Grossman) Will you state your full name, Mr. Neuman?

A. Wilbert Neuman.

Q. Where do you live?

A. 4511 Czar Avenue.

Q. Just talk a little slower, please. Were you ever employed by the Republic Steel Corporation?

A. Yes, sir.

Q. When were you first employed there?

A. I was hired July 21st, 1933.

Q. Which plant did you work at?

A. Corrigan-McKinney plant.

Q. When were you discharged?

A. I was discharged as of January 27th, 1937.

Q. Between the time you were hired and fired, had you worked there continuously?

A. No, I had two lay-offs, one for about six months, one for about three months?

Q. What was the reason for those lay-offs?

A. Lack of work.

Q. What type of work did you do in the mill?

A. When I first started over in the blast furnace labor gang, worked there about a month, they transferred me over to the pig iron yard as a pig iron shipper, work got slack there, was transferred—they transferred me back to the blast furnace, I was put on operating the lorry car. When work got slack there they laid me off—about the 27th of July, 1934—I was off for about six months, they called me back. Called me back.

Q. Pardon me, that was one of those lay-offs when you were laid off because of lack of work?

A. Lack of work, yes, sir, they called me back, made a chain man out of me. I worked there about three months and Mr. Caffery of the pig iron department called me back to be a pig iron shipper. I believe I worked there about

three months, I was laid off again for lack of work. I was laid off then about March 10, 1937, then I was called back in the east side labor gang.

Q. March 10, 1937?

A. March 10, 1936, I worked there about two months, I believe, in June of 1936, if I remember correctly, they transferred me over to be chisel grinder for shippers. I worked on that job for sometime, about three months, then I was fired, they made a chipper out of me.

Q. Well, did you get more money when you were made a chipper, than you had been receiving as a grinder?

A. Yes, sir.

Q. Is that a promotion?

A. Well, the rate of pay was.

Q. Are you a member of the CIO?

A. Yes, sir.

Q. When did you join?

A. If I remember correctly, it was sometime in September, the exact date, I don't know.

Q. September of what year?

A. 1936.

Q. Was it generally known about the mill that you were a CIO man?

A. Not before we attended a mass meeting on Broadway.

Q. Did you have a mass meeting?

A. Mass meeting was January 13th, 1937.

Q. January 13, 1937?

A. Yes, sir.

Q. What kind of a mass meeting was it?

A. Well, it was a mass meeting for all of the CIO members of the Republic Steel Mill.

Q. And did you attend that meeting?

A. Yes, sir.

Q. At that meeting did you discuss with anybody how long you had been a member of the CIO?

A. I did.

Q. Will you describe in detail that occurrence?

A. When I got into the hall I chose a seat between a fellow by the name of Russell Lapka, who I later found out his dad was a company policeman, and another Italian chipper. This chipper says to me, he says, "I never knew you were in the CIO." I says, "I never knew you were, either."

He says, "I bet I belong to the CIO longer than you do." Well, I says, "I don't know," I says, "have you got your card here?"

He pulled out his card and showed it to me and I pulled out my union card and we compared dates, which proved that his card, I believe he belonged to the union longer than I did.

Q. And this Russell Lapka was alongside of you all during this conversation, was he?

A. Yes, sir.

Q. Now, after January 13th did anybody ever talk to you in the mill about union activities?

A. Well, right after that meeting I sprained my back, sometime after that meeting, I don't know exactly when, but one or two days, I believe, or a little more, I sprained my back and had my back taped up, they put me on light labor, I was oiling chipping hammers and little odd jobs around the mill, I went in the tool room one day to fill up my oil can. In the tool room there I met Jake Simons who was foreman down there, he has charge of all the air tools. We talked together and one word led to another, and finally he said to me, he says, "You know"—

MR. DAY: I object to this conversation on the ground that has already been stated.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show the exception.

MR. DAY: Exception.

A. He says, "You know," he says, "if I were you I

would never join the CIO, because Republic Steel has too much money behind it."

Q. Was that all there was to that conversation?

A. Yes.

Q. Do you know a Nick Mikes?

A. Nick Mikes is chipping foreman of the A turn, and it was on his turn that I got fired.

Q. Did you have a talk with Nick Mikes sometime before you were fired?

A. Yes, I did.

Q. When was that?

A. The 26th day of July.

Q. When were you discharged?

A. I was discharged on the 27th day of July.

Q. That was the day before?

A. Yes. On the 26th day of July I was taking back four of their used chisels to the window to renew them, and I happened to pass Nick. Nick says, "You better watch yourself, because George Balleau has been watching you all day."

Q. Who is George Balleau?

A. George Balleau is superintendent down there at the inspection of the chippers.

Q. Was he your superintendent?

A. Yes, sir.

Q. And the next day when you were discharged, what was the reason given you for your discharge?

MR. DAY: By whom?

A. Well, George Balleau came up to me with four old chisels, he tapped me on the back, he took my hammer away from me, and there was another fellow walking by, by the name of Edward Ray. He called him over and he says, "Here, Ray," he says, "take this hammer."

So Ray took the hammer and George gave him these old chisels and he says, "Use these chisels."

Well, Ray took the hammer and the chisel and he started chipping with the old chisels. Jake Simon was

there, and he started to measure the chips, how long a chip they took with the chisel, and after Ray got done using the chisel, Jake would measure it to see how long the chip on that one chisel, and then George Balleau would mark it in the book.

Well, after this Ray used all of the chisels that was there, that I had, and I was supposed to use, why George says, "I am going to fire you," he says, "I have been watching you for the last two weeks," he says, "you have been doing nothing but monkeying around." He says, "You are using too many chisels." He says, "You are fired."

Q. How long had you been a chipper before you were discharged?

A. About three months.

Q. Had you been using any more chisels in the last two weeks than you had been before then?

A. No, not that I recall.

Q. Had you ever been reprimanded about using too many chisels before?

A. No, sir, that was the first time.

Q. Did you file a charge with the Labor Board?

A. I filed a charge sometime in February.

Q. That was 1937?

A. 1937, yes, sir.

Q. Were you ever called back to work?

A. I was called back.

Q. And did you go back to work?

A. I went back to work and I worked to the day of the strike, which I went out on strike and still striking.

Q. When you went back to work, did you get your old job back?

A. Yes, sir.

Q. Now, from the time you were discharged until the time you returned, May 11th, had you earned any money outside of the mill?

A. No, sir.

Q. You hadn't done any work at all?

A. No, sir.

Q. When you were working in the mill, this is in January, just prior to your discharge, were you working on an hourly rate basis?

A. I was working on an hourly rate and tonnage.

Q. And tonnage?

A. Yes, sir.

Q. What was your hourly rate?

A. I was getting 62½ cents an hour and tonnage, which averaged around $5 a day.

Q. How many hours a day would you work?

A. I was working 7½ hours a day.

Q. And how many days a week?

A. Six days a week.

Q. Now, in the interim, to your knowledge—all this time you were out from the mill between January and May—

A. Yes.

Q. Was the salary of chippers raised?

MR. DAY: The same objection.

A. Yes, sir, they were raised 10 cents an hour.

TRIAL EXAMINED LINDSAY: Objection overruled. The record may show an exception.

MR. DAY: Exception.

Q. Do you want your job at Republic Steel Corporation?

A. Yes, sir.

Cross Examination

O. (By Mr. Day) You say you went out on strike and you are still striking?

A. Yes, sir.

Q. You haven't asked for your job back, then, have you?

A. No, sir, why should I?

Q. Well, that is for you to determine. I can't answer that. You have been very active in the picket line, haven't you?

A. Yes, sir.

Q. Did you take part in trying to stop a freight car of food on the night of January 9th, that was going into the Corrigan-McKinney plant?

A. A freight car of what?

Q. Of food?

MR. LAUTER: I object to that.

Q. What?

A. I don't recall.

Q. You don't recall?

A. No, sir.

Q. Well, you mean you don't remember whether you did or not?

A. What?

MR. LAUTER: Object.

A. Will you repeat that, please?

MR. LAUTER: May I have a ruling on my objection?

TRIAL EXAMINER LINDSAY: Yes, the objection is overruled.

Q. I asked you whether or not you took part in trying to stop a freight car loaded with food, going into the Corrigan-McKinney plant at Republic on the night of January 9th, 1937?

A. No, sir.

Q. June 9th, 1937?

A. No, sir.

Q. You remember about that now?

A. I don't remember trying to stop anything there whatsoever.

Q. Well, you say you don't remember? Are you sure that you didn't, or just that you don't remember, which?

A. I am sure that I didn't.

TRIAL EXAMINER LINDSAY: Well, Mr. Day, he said he didn't remember, so let's not argue about it. Go on.

MR. DAY: Well, I want to find out whether he is sure about it or whether he just doesn't remember.

TRIAL EXAMINER LINDSAY: Well, he said he didn't, so proceed.

MR. DAY: He said he didn't remember?

Q. Now, have you carried any sticks or clubs on the picket line?

A. Absolutely not.

Q. What have you carried? Anything?

A. No.

Q. Thrown any bricks?

A. No, sir.

Q. Any stones?

A. No, sir.

Q. You were employed back in 1933, weren't you?

A. Yes, sir.

Q. And then you were employed as a blast furnace laborer, first, weren't you?

A. Yes, sir.

Q. Then you were transferred as an iron handler?

A. As pig iron chipper.

Q. Pig iron chipper? Then you proceeded to the blast furnace as laborer?

A. I was transferred back and I was put in the labor gang for a while, then I was put on the lorry car.

Q. Then from that time up until 1936 you were laid off some times when work got slack, is that right?

A. Yes, I was laid off sometime in—just a minute, please—I was laid off sometime in 1934. I worked there a year and three days steady, about, and I was laid off for about six months.

Q. You remember that you were re-employed March

10, 1936, or about that time, as a laborer in the general labor department?

A. Well, I was laid off for about six months and I was recalled and I was put back as a chain man, I worked there about three months, then work got slack and in that department, and Mr. Caffery called me back to the pig iron department.

Q. Do you remember when you became a chisel grinder?

A. Oh, sometime I believe in June, I am not mistaken.

Q. Of 1936?

A. Yes, 1936.

Q. And you say you were discharged January, 1937?

A. January 27, 1937.

Q. And at the time you were discharged this transaction occurred about the use of the tools, and so forth, is that right?

A. You mean the day I was fired?

Q. Yes.

A. Mr. Balleau told me I used too many chisels and he fired me.

Q. Who took part in this testing of the chisels?

A. Some fellow by the name of Edward Ray.

Q. Edward Ray?

A. Yes.

Q. R-a-y?

A. R-a-y. He is working down there now.

Q. Who else was working with you and Mr. Balleau?

A. Jake Simon.

Q. Who is Jake Simon?

A. He happens to be foreman down there, in fact, he has charge of all the air tools, such as chipping hammers.

Q. Well, there were you and Simon and Ray and Balleau, when this took place?

A. Yes, sir.

Q. Then you were re-employed on May 11th?

A. May 11th.

Q. And you were working up to the time of the strike?

A. Yes, sir.

Q. And you joined CIO back in September, 1936?

A. Yes, I believe that is correct.

Q. Are you an officer of any lodge?

A. Well, not exactly an officer. I wasn't elected an officer

Q. Well, if you were not elected an officer, and you were not exactly an officer, just what do you mean by that? Are you unusually active?

A. Yes, sir.

Q. Or something—Well, in what way were you unusually active?

A. Just in what way, what do you mean, in what way am I usually active?

Q. I asked you if you were unusually active and you said yes.

A. Yes, sir, well, I take part in mass meetings, different meetings and so forth, anything that pertains to unionism.

Q. You were a little more active than just an ordinary member, is that right?

A. Yes, sir.

MR. DAY: I think that's all.

TRIAL EXAMINER LINDSAY: We will have a short recess.

(Recess had.)

(Witness excused.)

WILLIAM SIKORSKI

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your name?

A. William Sikorski.

Q. Where do you live?

A. 4116 Bailey Avenue, Cleveland.

Q. Have you ever worked at Corrigan-McKinney plant of the Republic Steel Corporation?

A. Yes, sir, I did.

Q. When did you start working there?

A. July 18th, 1933.

Q. And until when did you work?

A. Until October 5, 1935.

Q. What kind of work did you do then?

A. During that period I had several occupations. I was hired as an oiler in the electrical department, and I filled in on odd jobs around there when the other men were off, such as motor inspector helper or millwright, light man and so on and so forth, and then about in April, 1935, there was an opening in the sub-station and I asked for the promotion and got it, got the job.

Q. That was before Republic took over Corrigan-McKinney, is that correct?

A. That was before Republic took over Corrigan-McKinney.

Q. Did you continue with Corrigan-McKinney, in the Corrigan-McKinney plant, after Republic took it over?

A. No, I probably worked one or two days after the merger, but I don't know just when the merger took place, took effect.

Q. Well, you stopped working sometime around October 5, 1935?

A. That is right.

Q. Now, do you know George Krause?

A. Yes, sir, I do.

Q. Who is he?

A. Employment manager.

Q. Where?

A. Corrigan-McKinney plant, Republic Steel.

Q. Did you have any conversation with him in April of this year?

A. Yes, sir, I did.

Q. Where did that conversation take place?

A. Some of the boys that worked with me in the mill told me that—when I used to visit them—that they were hiring men down at the plant again and I had better go down and see about a job, so I went down to the employment office one day and talked to Mr. Krause, asked him if there was any opening in the electrical department and he says, "No, I think we are all filled up. Did you ever work here before?" I says, "Yes,"; "well," he says, "why don't you go to see your foreman?"

Well, I told him that I couldn't see the foreman because I couldn't get in the mill. "Well," he says, "make it a social call and see him at his house."

Q. Did you make a social call and see him at his house?

A. I saw him at his house one night on a Monday night.

Q. Did you have a conversation with him?

A. Yes, I did.

Q. Tell me what it was.

MR. DAY: What was the name?

MR. LAUTER: Krause.

THE WITNESS: No, this was Mr.—

MR. DAY: The foreman?

Q. Your foreman, I am sorry.

A. Mr. Walters.

Q. What is his first name?

A. Arthur H. Walters.

Q. About when was that conversation with Mr. Walters?

A. April 5, 1937.

Q. Well, tell me what the substance of that conversation was?

A. Well, I asked him if there were any openings in the electrical department in the ten and twelve inch mill where he is foreman.

He says to me that he didn't know just at that time. Then he went on to ask me if I had ever been mixed up in any petitions being signed around the plant. I told him that I did, that I had taken a petition around, that one time, for a raise.

Q. That was when you formerly worked—

A. When I formerly worked there. "Well," he said, "he didn't know what he could do for me, but he would speak to the electrical engineer, the superintendent, Mr. Tull, that I should come back to see him on the following Saturday. I left him.

Q. This position which Mr. Walters had in the mill, was that of foreman, is that correct?

A. A foreman, yes.

Q. Go ahead.

A. He is foreman of the electrical department of the ten and twelve inch mill. That is, he was at the time I left there, so I told him that I would be back to see him on Saturday.

On Friday night, the night before, Mr. George Krause, employment manager, looked me up at my old address, the one he tried to find me at, my old address on McCracken Road.

Q. How did Mr. Krause happen to come to see you, do you know?

A. I don't know.

Q. Go ahead.

A. The landlord over there told him where I had moved. Mr. Krause asked him if he would get word to me that night, that I should be down to the employment office the next morning. He said he would. The landlord told

Mr. Krause that he would get word to me to come down to the employment office on Saturday morning.

So instead of going to see Mr. Walters at his house, like he had told me to do, I went straight down to the employment office at the plant.

I got there at 9 o'clock in the morning. Mr. Krause shook my hand, he says, "Well, we are all set to put you back to work."

I says, "Fine." "Oh," he says, "there is one thing you have to straighten out with me. Your recommendations from the electrical department seem to be o. k., but you will have to straighten out with me, because I send you to Newton Steel in Monroe, Michigan, in December of 1935, and you apparently satisfied the heads of the Newton Steel that you could fill in the position that I offered you, but you never showed up again." So I proceeded to tell him why I didn't take that job.

Q. What did you say to him?

A. Well, I told him that in taking the job at Newton Steel it meant moving the family from one state to another, and I had been caught in a state where I had no legal residence before, and I didn't feel as if this job was any too steady, I didn't want to be out of the state again when I was on relief roll, because I had no legal residence and I couldn't get any relief in this other state.

Q. Were you on relief at the time you had the conversation with Mr. Krause?

A. No, I was on a different relief down here with the CCRA. Well, he says, "O. K., go get your application up to date." He sent me into the—

Q. Just one second. During the conversation you had with Mr. Krause about his offer of a job up in Michigan, was there any discussion about comparative wages of the two plants?

A. Yes, there is.

Q. State what that conversation was.

A. That was one of the reasons why I didn't take the job, because he sent me up there to take a millwright job, and before leaving Cleveland he told me to keep still about the rates of pay down here, when I got up to Monroe.

Q. What was the rate of pay?

A. After I got up there and spoke to the employment manager and the general manager—

MR. DAY: I want to object to this, because I can't see any relevancy of this, to any issue presented here. Conversation about the pay in Monroe and the pay here. They are both Republic plants.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: Just tell the conversation the complete conversation.

A. Millwright helper down in the Cleveland plant received 58 1-2 cents an hour, and the millwright down here received 74 1-2, and the millwright up there got 57 cents.

Q. Well, what was the reason, then, that you didn't accept the job in Michigan that was offered to you by Mr. Krause?

A. Partly due to the fact that the rate of pay was not quite high enough for the job as it stood, and partly because I didn't want to change my residence from one state to another, again.

Q. Did you finally square yourself with Mr. Krause about getting a job with Republic?

A. Apparently I did.

Q. Did he give you an application blank?

A. He told me to go into the next room, get the employment clear and get my application to date.

Q. What happened after that?

A. Well, I got my application to date, and of course, they checked my picture to see if it was a reasonable like-

ness of me, and then he told me, "Now, wait in the anteroom" next to his office.

I sat there and I waited about an hour, during which time Mr. Krause called several different floors in the plant. The part of the conversation that I heard over the phone was that he, whoever he was calling, was leaving through, or going through the lobby of the main office, and that he would send him down right away.

The party that he was calling happened to be Captain Jones, and he was calling him to go down to the employment office and interview me. As soon as he walked into the employment office Mr. Krause said to Mr. Jones—"There is your man."

Q. Did you have a conversation with Mr. Jones after he got there, Captain Jones?

A. Yes, he called me into Mr. Krause's office, he sat down at the desk. I stood by the desk and he picked up my application and he looked it over, commented on the number of children I had. Commented also on the new born baby that just came into the family. "Well," he says that Republic Steel would see to it that I had work, to support that family.

MR. DAY: Is this Jones, or Krause?

THE WITNESS: This was Jones. And he asked me who I had worked with in the ten and twelve inch mill electrical department. I mentioned a few of the boys that I worked with in there. He says, "Yes," he says, "everyone of those boys are all on thin ice, I would not give you five cents for any one of their jobs." He says, "They are running around the mill, over there, and they are organizing the fellows into the CIO, and we are not going to stand for it."

Q. Who said that?

A Mr. Cap Jones. Well, I told him I was not familiar with anything like that. I didn't know he was doing any organizing but he says "I want to tell you, Sikorski, you

are experienced in several lines of work over in the 10 and 12 in the electrical department." He said, "Now, I want you to go over to work over there and I want you to keep your nose clean of the C. I. O. because," he says, "we are never going to recognize them. Balint and Danitz, a couple of Communists, will never tell Republic Steel how they are going to run their corporation." Well, I was in a funny position. I didn't know what to do. I needed a job and at the same time I still believed in C. I. O. I had to squirm out of it some way. I didn't give him a definite answer either way. Apparently he was satisfied that I was O. K., so he told me that was all. George Krause then told me that I could come back Monday. The doctor was not working on Saturday and I would have to get examined on Monday.

Q. Did you come into the mill on Sunday?

A. I went to the employment office.

Q. Did you see George Krause on Monday?

A. Yes, sir, I did.

Q. Did you have a conversation with him?

A. Well, first of all, I was examined by the doctor.

Q. After you were examined by the doctor, what happened?

A. He gave me my identification card to get me into the mill the next day so as to receipt for the badge, then he handed me the white employees' representation card. "Now, Mr. Sikorski," he said, "you worked heretofore and I suppose you are familiar with some of the workings of our employee representation plan?" He said, "But we have since made a few changes in it and anything you don't understand, you see your representative about it when you get into the mill. Ask your foreman and he will tell you who your representative is. Now," he said, "if you feel as though the representation plan will do you any good," he said, "if you feel as though it is a good thing, and to my way of thinking, it is a good thing, you fill out

that card with your name, and have your representative sign it, then give it to the paymaster."

Q. Did you sign the card?

A. No, I didn't.

Q. Did you tell him why you would not sign it? Or did you state to anybody why you would not sign it?

A. No; I didn't say anything to anybody why I would not sign it.

Q. Why did you not sign it?

A. Well, later on that day, I got out on the street and bought a paper and found they validated the Wagner Act and I didn't think it was constitutional, that plan.

Q. The next day was Tuesday?

A. Yes.

Q. Do you remember any conversation with Mr. Walters on Tuesday?

A. I pulled into work the 3 to 11 turn on Tuesday and I changed my clothes. The day turn had gone home. Mr. Walters came over there to do some of his routine business around 4 o'clock in the afternoon. He said, "Hello, Bill." He shook my hand and he said, "I am glad to see you back." I said, "I am glad to be back, too, Art." Well, he said, "Somebody will no doubt ask you to join the Union here. Some of these fellows around here organizers will ask you to join the C. I. O. but I want to tell you that in order to get you back in the mill, without going through the labor department, I had quite a time. Now," he said, "I want you to protect me a little bit."

Q. Was Walters your foreman?

A. That is right.

I told him I hadn't thought to join the C. I. O. yet. I said, "Maybe I won't and maybe I will and maybe I won't." "Well," he said, "maybe some day we will all have to belong to it but the fact still remains I got you in here without going through the labor department and it is the policy of the Republic Steel to hire everybody for the labor department and then transfer them when the opening oc-

curs, but you came direct to the electrical department." Well, with that, the conversation stopped.

Q. Subsequent to that, did Mr. Walters ever ask you whether you had joined the C. I. O. again?

A. Yes. It was about a week later on the day turn, he got in the electrician headquarters again and asked me if anybody had been around. I said, "No, there hasn't been a soul in this plant that asked me to join the C. I. O."

Q. Did you join the C. I. O.?

A. Yes, I did.

Q. When did you join?

A. Approximately the 23rd day of April, 1937.

MR. GROSSMAN: That is all.

MR. DAY: I think that is all.

(Witness excused.)

MATHEW BABICH

a witness called by and on behalf of the National Labor Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name, Mr. Babich?

A. Mathew Babich.

Q. Your address?

TRIAL EXAMINER LINDSAY: Will you spell that?

THE WITNESS: B-a-b-i-c-h.

MR. HOSKINS: B-a-b-i-c-h. First name is Mathew.

Q. Where do you live?

A. 4131 East 98th.

Q. 4131 East 93rd?

A. 4131 East 98th.

Q. Is that in Cleveland?

A. Yes, sir.

Q. Were you ever employed at the Republic Steel Corporation, Mr. Babich?

A. Yes, by the Corrigan-McKinney Steel.

Q. You mean at the Corrigan-McKinney plant of the Republic Steel Corporation?

A. Corrigan-McKinney plant.

Q. When were you first hired there?

A. In 1920, on the 23rd day of January.

Q. How long did you work there?

A. Ever since.

Q. Until when?

A. Until they laid me off in 19—1922, when was a flat time, I was off, I think it was nine months, if I am not mistaken. At that time the plant was shut down altogether with the exception of one blast furnace and one coke plant was working down there. That is all that was working.

TRIAL EXAMINER LINDSAY: I will instruct the Reporters again that if these witnesses are going too fast and you are not getting it, as it is given by the witness, stop it immediately and see that you do get it absolutely correct.

Q. After that lay-off, did you work continuously after that?

A. After that I was working continued until 1935 to 6th of November, October.

Q. What happened then?

A. Well, a little before the Republic Steel took over the Corrigan-McKinney, the boss told me that this new Company going to do away with the job I have with the Company, so laid me off for a short time until he find a place for me, that he can place me, another place.

Q. Did they ever find another place for you?

A. They never found another place for me until 1936, until May 5th.

Q. Did you go to work on May 5th, 1936?

A. May 5th, 1936, yes, called me back and asked me

if I feel like taking job, that they have no job in the electrical department, it was electrical department but not electrician, it would be electrical repairing. I said yes, I will take anything, so long as I can support my family.

Q. And you went to work on May 6th?

A. And I went to work with the electrical repair gang.

Q. That was 1936?

A. 1936.

Q. How long did you work there after that?

A. I went there after that until 1937 until the 25th of January of this year.

Q. What happened January 25th, 1937?

A. There was outside and I called up, outside, supposed to be my day off, I called him up—

TRIAL EXAMINER LINDSAY: Just a minute. Talk a little slower. The Stenographer has to get everything that you say. Read what you have.

(Answer read by the Reporter.)

A. (Continued) I call up the office—and I call up the boss and I ask him if he have anything for me the next day after Tuesday and he said, "You come over in the office and see me before you go home." So I did.

Q. What turn were you on then?

A. That was the day turn.

Q. What are the hours of the day turn?

A. I was working from 7 to 3.

Q. 7 to 3?

A. Yes.

Q. And did you go to see your foreman then?

A. I washed myself up and dressed myself up and I went to the office to see the foreman.

Q. Who was your foreman?

A. Gene Perry, he is boss, the general foreman, the boss of the, I call him the boss, he is second to chief, the chief electrician, what I call the general foreman, if I correct on that.

Q. Did you go to Mr. Perry's office, is that what you did?

A. Yes, sir.

Q. What happened?

A. He called me in the next room. He said, "You come over. I got to talk to you." Well, I went. He said to me, "I am sorry on account of I have to lay you off." I said, "You got reason why? Not satisfaction with my work or what?" He said, "No, you youngest in the gang. I have to lay you off."

Q. Were you the youngest man in that gang?

A. And I asked him, I said, "How do you figure, Mr. Perry, that I the youngest man in the gang?" I said, "It is only about three or four fellows in the electrical department that oldest than me. I can take any job that is off. I was electrical mechanic and I was electrician and I was with the repair gang. I was with the light man, the motor inspector, all kind of jobs that I have." And I said, "I am pleased to take anything as long as I can support my family." I said, "That won't make any difference to me what the job is that you offer to me, I take it."

Q. How long were you working there at that time, do you remember?

A. The last time I was rehired?

Q. How long was that since the first time you worked at the Corrigan-McKinney plant?

A. 17 years.

MR. DAY: You mean from the first time he started there?

MR. HOSKINS: Yes.

Q. Are you a member of the C. I. O.?

A. Yes.

Q. When did you join the C. I. O.?

A. July 16th, last year.

Q. 1936?

A. 1936.

Q. Do you recall some time in 1936 of being asked to sign a petition in the mill?

A. Yes, sir.

Q. What was that date, do you remember?

A. I no, I cannot recall, no date, but was circulating the petitions around to sign up inside Union. If it is satisfaction with the Company Union or not so I was there and already dressed. Mr. Seibel came in with the petition.

Q. Who is Mr. Seibel?

A. He was a representative, like the fellow, extra representative, regular representative was off, he was to take his place.

Q. You mean he was an employee representative?

A. Yes, sir.

Q. Was that under the Employee Representation Plan?

A. Yes, sir.

Q. And he took this petition around?

A. Yes, he circulate the petition around.

Q. What was that petition for again, now?

A. It was with inside Union, with the Employees' Union, whatever they call that, I don't know the regular name of that Union, the way it is called.

Q. What did it say?

A. That petition, I don't look through the petition to see, if the employment inside was satisfaction with the Union and outside was not.

Q. You mean the men in the mill, were they satisfied with the Employees Representation?

TRIAL EXAMINER LINDSAY: Miss Reporter, will you read that answer back?

(Answer read.)

Q. Do you remember whether that was the same months you joined the Union or not?

A. I cannot recall exactly.

Q. Was it early in the year or the middle of the year or what?

A. It was after I signed up with the Union.
Q. Then it would be some time after July, 1936?
A. Yes.
Q. Did you have a locker in the mill?
A. Yes, sir.
Q. Was that locker ever broken into?
A. Yes, sir.
Q. When was that?
A. It was in August some time.
Q. August of what year?
A. 1937. It was in 1936. This is 1937.
Q. 1937?
A. Yes.
Q. That was one month after you joined the Union?
A. Yes, sir.
Q. Go ahead.
A. When I came to the locker and I saw the wire bent, it was hang, with the piece of wire on the side, why, I opened my locker and I see I had nothing on the shelf the way I placed it, that gave me the attention that somebody was in my locker, everything was not in place where I placed it, I look through my clothes and through my pockets and see everything was not missing, I find everything was O. K. except the Union card which I had inside my coat pocket, that was missing.
Q. Everything was in the locker but the Union card?
A. Everything was in the locker the way I put it but I could not notice anything else that was missing except the Union card.
Q. Did you have any money?
A. I had some money.
Q. Did you have any missing?
A. I had a little money, I don't know how much. I had not much money anyhow.
Q. Was any money missing?
A. No, was not anything missing except the Union card.

Q. Did you ever talk to any of the men about the C. I. O.?

A. Yes.

Q. Did you ever try to sign anybody up with the organization?

A. No. I tried, I didn't sign nobody but I talked to the men that I was working with then outside the plant.

Q. Do you recall some time in November of 1936 stopping to talk to some organizers of the C. I. O. on your way home from the mill?

A. Yes, sir. This, I think, if I am not mistaken for about two weeks period was all those department, was inside the plant, it seems the foreman or the bosses was standing on top of the Dilly Hill watching us coming from the mill and watching us going inside the mill to see who we are talking with.

TRIAL EXAMINER LINDSAY: A little slower.

Q. Where were you that time?

A. I was on top of the Dilly Hill.

Q. Is that Dilly and Broadway?

A. Yes.

Q. You say there were foremen there?

A. Yes.

Q. Where were these foremen standing?

A. Standing on the left-hand side and up the Dilly Hill and I recognized our construction foreman, Ted Nutting.

Q. You say Ted Nutting, the construction foreman?

A. Yes. I didn't carry that in my mind. I went to stop to talk to him but I know for what purpose he was there.

Q. Was there any other foreman with Mr. Nutting?

A. Not from electrical department but there were some other departments.

Q. Where would you see these foremen standing?

A. Outside the mill. It was on Dilly and Broadway.

Q. Right near where you were standing?

A. I was standing on top of Dilly and Broadway.
Q. You were talking to some C. I. O. organizer?
A. I was talking to some C. I. O. organizer, the first ganizer was down in the Corrigan-McKinney plant.
Q. What were these foremen doing at the time you re talking to the C. I. O. organizer?
A. They were just standing watching us.
Q. They were just standing watching you?
A. That was all they was doing.
Q. Do you recall the meeting of the C. I. O. on Jan-ry 13, 1937?
A. Yes.
Q. Where was that meeting held?
A. In the Bohemian Hall on Broadway.
Q. Did you attend that meeting?
A. Yes.
Q. Do you know a Bill Jeffries?
A. Yes, sir.
Q. Who is he?
A. He is a crane foreman in the electrical depart-ent.
Q. A crane foreman in the electrical department?
A. Yes, sir.
Q. Is he your foreman?
A. Yes, sir.
Q. Did you see Bill Jeffries outside the Bohemian all that day?
A. Yes, sir.
Q. What was he doing?
A. He was parked in a car there, just as we was go-g in the hall.
Q. Was he watching the men, do you know?
A. Watching the men going in.
Q. Did you notice any Republic Steel police out there at night?
A. There was a couple up around there in plain-othes. I couldn't recall those fellows by name. It is all

police, everyone was down there, I couldn't recall them by name.

Q. You recognized them?

A. Yes.

Q. Would you recognize them if you saw them?

A. Yes. I could recognize those faces that was down there in the mill policemen.

Q. That was on January 13th?

A. Yes.

Q. When were you discharged?

A. On January 25th.

Q. After you were discharged did you ever try to go back to the mill to get your job?

A. Yes, sir. Yes, sir. They laid me off, they says, in a short time I am going to call you back. He says this new Plan, he said they are going to need a couple of electricians and if they need no electrician, he said electric crane operator, I am going to get it, so the first chance I have I am going to put you on. That call never came, so I called him up a couple of different times.

Q. Who did you call?

A. Mr. Gene Perry.

Q. Your boss?

A. And every time I called him he told me the same story, I am going to see Mr. Krause and I am going to talk to Mr. Tull.

Q. Who is Mr. Tull?

A. He is chief electrician and electrical engineer by Corrigan-McKinney plant.

Q. When was the last time you called to try to get your job back?

A. When did I—

Q. When was the last time you called to try to get your job back?

A. Well, I couldn't recall the date I called.

Q. Do you remember the month?

A. No, I couldn't. But it was a few weeks, I didn't go to see him.

Q. Did you file a charge with the Labor Board?

A. Yes.

Q. What month was that?

A. It was in April, if I am not mistaken.

Q. April?

A. Yes.

Q. Were you ever called back to work after that?

A. Yes, before the strike, I think it was on the 19th, the 19th of July, it was six days before the strike.

Q. Then it is before the strike you went back?

A. Yes.

Q. When was the strike called?

A. On the 26th of May.

Q. 26th, and that would be about the 20th, if it was six days before?

A. Yes. Six days, but I am not exactly on the date, it was on the 19th or 20th, it was six days before the strike.

Q. Who called you to work?

A. Mr. Krause comes over to my house, right in the house.

Q. Who is Mr. Krause?

A. He is employment manager for Corrigan-McKinney.

Q. He came over to your house and asked you to go back to work?

A. He came over to my house and asked me to go back to work and asked me if I am willing to take a labor job. I said "I do take it, anything, as long as I can support my family." So he tells me, come down to see him the next morning, and I did.

Q. Did you go back to work?

A. I went back to work and he gave me the labor job.

Q. You did labor?

A. I did labor.

Q. What was your job when you were discharged in January?

A. That was my job in January when I was discharged from the electrical repairing gang.

Q. You were an electrical repairman?

A. Repairing gang.

Q. From the time you were discharged in January and until the time you returned in May, did you work in any other place and did you earn any money?

A. Yes, $26.

Q. You earned $26 during that period?

A. Yes.

Q. Do you remember the month you earned that in?

A. If it is not mistake, in February, some part of February.

Q. February, 1937?

A. Yes.

Q. In January when you were discharged, were you working on an hourly rate?

A. Yes.

Q. What were you earning an hour?

A. 62-½ cents, if I am not mistake.

Q. 62-½ cents an hour?

A. That is what they pay the repair gang.

Q. How many hours a day did you work?

A. Eight.

Q. How many days a week did you work?

A. According to the way they need us, they give us regularly five days, if they need us six days, give us day extra, if they need us seven days, gives us day extra again, that was not regular period. It was according they need us. They give us regular five days and if need us, give us six of seven days.

Q. Then you worked 48 hours a week and if they needed you any extra hours, you were called in?

A. Yes.

Q. How many times were you called in?

A. Past two weeks working five days straight and two three weeks, working seven days.

Q. Did you get any additional money for the hours you worked or did you get the same rates?

A. They paid the same rates.

Q. When you returned to work as a laborer, how much did you earn a day?

A. Was 62 ½ cents an hour laborer, but since I was laid off to the time I was hired they give raise.

Q. You mean the electricians got a raise?

A. The whole plant was raised.

Q. The whole plant was raised?

A. Yes.

Q. How much were the electricians paid in May?

A. I couldn't tell you exactly, because I never had no electrician's wages since I was laid off in 1935, so I cannot tell you exactly.

Q. So you ma › 62 ½ cents an hour when you came back as laborer in May?

A. Yes.

Q. You say you worked six days?

A. Yes.

Q. How many hours a day did you work?

A. Eight hours.

Q. Eight hours for six days?

A. Yes.

Q. On May 26th, did you go on strike?

A. Yes, sir.

Q. Did you want your job back with Republic Steel?

A. Yes, sir.

Q. Do you recall that petition that was circulated by Mr. Seibel?

A. Yes, sir.

Q. Did you sign that petition when it was presented to you?

A. No, sir.

Q. Did you refuse to sign it?

A. I refused to sign it.

Q. Were there any men standing around?

A. There was about six or seven standing around the locker.

Q. When you refused, did anybody refuse to sign it out of the whole gang?

A. That is all there was asked, all the rest refused with the exception of one.

Q. Only one man signed?

A. Yes.

MR. HOSKINS: That is all.

Cross Examination

Q. (By Mr. Day) You say you want your job back?

A. Yes, sir.

Q. You are still out on a strike, are you not?

A. Yes, sir.

Q. You have not asked for your job back since the strike, have you?

A. What?

Q. You have not asked for your job back since the strike, have you?

A. No, sir. As long as the strike is on, I am not going to ask for it, neither.

Q. Are you on the picket line right now?

A. I am on the picket line every time I can be there.

Q. How often do you get there?

A. If I can get the car fare, I am on the picket line, and if I cannot get no car fare, I stay home.

Q. Do you carry any clubs?

A. No, I don't have to. I leave that to the police in the mill, those are the fellows who carry the clubs and bricks and guns too.

Q. All right. You joined the CIO in July, 1936, did you not?

A. Yes, sir.

Q. And you started to work for Corrigan-McKinney first back in 1920?

A. Yes, sir.

Q. Now, in October, 1924, do you remember that you started to work as a steam crane inspector?

A. Yes, sir, I was.

Q. Do you remember that you were laid off?

A. Yes, sir.

Q. October 5th, 1935?

A. Yes, sir.

Q. And you did not go back to work again for Corrigan-McKinney or Republic until May 5th, 1936?

A. That is right.

Q. Then you were employed as a bull gang laborer in the electrical department?

A. Yes, sir.

Q. Now, January 25th, 1937, you were laid off, were you not?

A. Yes, sir.

Q. Were some other men laid off at the same time?

A. Yes; three of us.

Q. And somebody told you you were the youngest of the gang at that time?

A. Yes, sir; that is possible.

Q. Then you filed some charges with the Labor Board?

A. Yes, sir.

Q. And you went back to work for Republic on the 20th of last May?

A. Yes.

Q. And you stayed there until the strike was called on May 26th?

A. Yes.

Q. Then you went out on strike and you have been out on strike ever since?

A. Correct.

MR. DAY: That is all.

Redirect Examination

Q. (By Mr. Hoskins) Do you remember the date when the Republic Steel merged with Corrigan-McKinney?

A. What?

Q. Do you remember the date when the Republic Steel merged with Corrigan-McKinney, took over Corrigan-McKinney?

A. No.

Q. Was that at the time you were laid off?

A. I don't know how long after.

Q. Were you laid off before or after Republic Steel took over the plant?

A. After Republic took the plant over.

Q. You said a moment ago on cross examination that there were other men laid off with you at the time you were laid off in January?

A. Yes, sir.

Q. Do you know who those men were?

A. Yes. Petak, Mr. John Petak, and Mr. John Dean.

Q. Any other men?

A. I don't remember.

Q. These other two men whom you mention were at the Bohemian Hall January 13th, 1937?

A. Yes.

Q. Did you see them there?

A. Yes, sir.

Q. Were they CIO men?

A. Yes, sir.

MR. HOSKINS: That is all.

MR. DAY: That is all.

TRIAL EXAMINER LINDSAY: We will adjourn until tomorrow morning at 9 o'clock.

(Whereupon, at 4:15 o'clock p. m., August 27, 1937, an adjournment was taken to 9 o'clock, August 28, 1937.)

Courtroom No. 3
Cuyahoga County Courthouse
Cleveland, Ohio
Saturday, August 28, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before:

JOHN T. LINDSAY, Trial Examiner.

Appearances:

MARK LAUTER, Esq.,
OSCAR GROSSMAN, Esq., and
JOSEPH A. HOSKINS, Esq., appearing for the National Labor Relations Board.
LUTHER DAY, Esq.,
THOMAS F. VEACH, Esq., and
EARL W. LeFEVER, Esq., Cleveland, Ohio, appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

MICHAEL NALETRICH

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Grossman) Will you state your full name please? What is your full name?

A. Michael Naletrich.

Q. And your address?

A. 3935 Broadway.

Q. Cleveland?

A. Yes, sir.

Q. When did you start work at Republic Steel Corporation?

A. 1917.

Q. Which plant was that?

A. Corrigan-McKinney.

Q. What kind of work did you do, Mr. Naletrich?

A. Loaderman.

Q. Loaderman, which plant?

A. Corrigan-McKinney plant, coke department.

Q. Which department? Coke department?

A. Coke department.

Q. To your knowledge, was your record at all times satisfactory?

A. Yes.

Q. Were you ever laid off for anything?

A. No.

Q. How long did you work at Republic Steel Corporation?

A. Until 1936, the 9th of September.

Q. September 9th, 1936?

A. Yes, 9th of September I was fired.

TRIAL EXAMINER LINDSAY: 1936?

THE WITNESS: 1936, 9th of September I was fired.

Q. Are you a member of the CIO?

A. Yes, sir.

Q. When did you join CIO?

A. 1936, in July.

Q. Did you talk to any men, ask any men to join CIO?

A. Yes, sir.

Q. Where would you ask them to join?

A. I told them to join CIO.

Q. Where would you talk to these men?

A. Well, on the street.

Q. Well, did you ever ask any men to sign up with the union?

A. Yes, I signed up ten men.

Q. You signed up ten men? Did you sign them up yourself?

A. No, I gave them to somebody else.

Q. Who signed them up?

A. Fred Korecky.

Q. Where did Mr. Korecky sign these men up? Where would you take these men?

A. To Tom Cikah's saloon.

Q. Is that a beer parlor nearby?

A. Yes.

Q. How many men would you say you took up there?

A. Ten.

Q. Do you ever remember being watched? Did you ever notice that you were watched when you took these men to this beer saloon?

A. Yes, somebody comes past in machine, four men.

Q. Just take it slowly. Now, say that again.

A. Four men come from big office with machine and went up Broadway.

Q. Four men came from the big office in machine?

A. Four men come from big office in machine.

Q. And they were stationed at Finn and Broadway?

A. They stopped over there.

Q. They stopped there?

A. About half an hour, they watch me when I go into the saloon with the men.

Q. Which big office was this that they came from?

A. 45th Street, main office.

Q. Main office, was that the office of the Republic Steel Corporation?

A. Yes, sir.

Q. Did you recognize any of those men?

A. Yes, sir.

Q. Where have you seen them before?

A. I don't know his name.

Q. Did you ever see them before?

A. They come from big office, I don't know his name.

Q. Did you ever see them before?

A. Yes, I seen them before.

Q. Where did you see them before?

A. Two or three months before, I saw them.

Q. Where?

A. In the office.

Q. Which office?

A. 45th Street, big office, Republic Steel big office.

Q. In the Republic Steel office at 45th Street?

A. Yes.

Q. You say these men saw you take these men into Cikah's beer parlor?

A. Yes, sir.

Q. Did those men stay there for a while?

A. They stayed half an hour, sometimes they stayed more. I seen them stop over there two or three times.

Q. You saw them two or three times?

A. Yes, sir.

Q. When was this that you noticed that you were being watched?

A. 1936.

Q. What month?

A. June and July, watch pretty close every day, somebody always watch me.

Q. Do you know Mr. Wall?

A. Yes.

Q. Who is Mr. Wall?

A. Superintendent of the coke plant.

Q. Superintendent of the coke plant?

A. Yes.

Q. Did you ever have a talk with Mr. Wall?

A. Yes.

Q. Some time after the time you took men to be signed up at the beer parlor?

A. Yes. He call me in office a couple of weeks before.

Q. How long was that after the time that you signed these men up that you were called to Mr. Wall's office?

A. About two weeks after.

Q. What was the conversation that went on between you and Mr. Wall?

A. He call me in office and I come in office and he ask me, "Your name is Mike Naletrich?" I say, "Yes." He had a piece of paper.

Q. He had a piece of paper?

A. Yes. He look at that paper, he say, "Your name is Mike Naletrich?" He say, "You working here 20 years."

Q. Did he say you were working for 20 years at that Company?

A. Yes.

Q. All right.

A. He say, "Mike, you join the Union?" I told him no.

Q. What did he say after that?

A. Well, he say—

Q. He said, "Mike, you join the Union?" And you said no; then what did he say?

A. He say, "Better don't join."

Q. Did he ask you if you signed up with the Union?

A. I said no. I was afraid I lose job. That is why I say that.

Q. Go on, Mike.

A. Well, he say, "Better don't join. We all time treat our men good in the plant."

Q. He said they always treat their men good in the plant?

A. Yes, "We treat good our men all the time."

Q. Did he say anything else at that time?

A. No, he didn't. He say, "Go back to work. See your foreman."

Q. You went back to work?

A. Yes.

Q. Now, after that did you notice anything unusual about the way the foreman treated you?

A. Yes. Before I get discharged three days foreman watch me pretty close.

Q. He watched you very closely?

A. Yes. He tell me, "Don't push door in on the machine."

MR. DAY: What did he say?

MR. GROSSMAN: He said, "Don't push the door in on the machine?"

THE WITNESS: Yes. That door is pretty hard if you push all the way in to pull out.

Q. You say if you push the door all the way in, it is very hard to pull it out?

A. Yes.

Q. What did your foreman say to you, push it all the way in or not all the way in?

A. He say, "Don't push it in hard, pull it straight."

Q. He said, "Don't push it in hard, push it in slower so you can pull it out straight?"

A. Yes.

Q. All right. You say you did not push it all the way in because it was easier to pull it out if you did not push it in, is that right?

A. Yes.

Q. Did anything else happen between you and your foreman at that time?

A. Before I get discharge, when I come for work, I

see him on Dille-Broadway corner. He stood there, look around about an hour.

Q. You say you saw your foreman at the corner of Dille and Broadway standing there?

A. Yes. He stand there one hour. He look around.

Q. One hour?

A. Yes.

Q. That is outside of the plant?

A. Yes, that is Dille and Broadway.

Q. What was he doing? Did you talk to him?

A. Yes. I talk to him. I ask him, "What are you doing here?" And he said, "Nothing."

Q. Did you stay around there then?

A. Yes, I stay over there one hour and a half. I watch him when he go home. They stay over there one hour, a little more.

Q. Who is your foreman?

A. Mr. Egbert.

Q. Mr. Egbert was watching these men as they went in and out of the plant?

A. Yes. He watching some going in the plant, some going out. He no say nothing.

Q. You say you were discharged when?

A. 1936, 9th of September.

Q. September 9th?

A. Yes.

Q. What was the reason that was given you for your discharge?

A. When he gave me discharge, he told me before you make me big mistake.

Q. Who was it who discharged you?

A. Egbert.

Q. Your foreman Egbert discharged you?

A. Yes.

Q. And he told you you were being discharged why?

A. He say, "You make big mistake before month ago because you push the coke before the whistle blow."

Q. He said you made a big mistake?

A. Yes.

Q. Because you pushed the coke before the whistle blew?

A. Yes. I told him I was got one day laid off for that, one day.

Q. You say you got laid off for that?

A. I got laid off for that.

Q. When were you laid off, that time you made the mistake?

A. Yes, that time I made the mistake.

Q. Now, this mistake was made one month before you were discharged?

A. Yes.

Q. Did you ever make that mistake before?

A. Not like that, big mistake, no.

Q. Did anybody else in that department make that mistake before?

A. Yes.

Q. Were they fired for that?

A. No. Another fellow, he got laid off for two days.

Q. After the time you were laid off for that one day, did you get a vacation?

A. Yes, sir, I got a vacation.

Q. Did you get paid for your vacation?

A. Yes.

Q. And that was the only reason given to you for your discharge was that you made that mistake that month before?

A. Yes. I told him, "What is the matter?" I said, "What is the matter? I get laid off when I make mistake."

Q. Did you ever go back to the plant to try to get your job again?

A. Yes, I go to the employment office one time, two times.

Q. Who did you see in the employment office?

A. Krause.

Q. Who is Krause?

A. Employment manager.

Q. Is he your employment manager?

A. Yes.

MR. DAY: When was this?

Q. When did you go back the first time after you were discharged?

A. For 10, 15 days after.

Q. 15 days after you were discharged?

A. Yes.

Q. How long did you continue to go back, asking for your job?

A. I go every week one time, two times sometime.

Q. You went every week one or two times?

A. Yes.

Q. Until when did you go there?

A. What do you mean?

Q. How long did you continue to go?

A. I go until I find another job.

Q. When did you find another job?

A. January 12th.

Q. So that for 15 days after September 9th, which was September 24th, until you found a new job in January, you say?

A. Yes, January 12th.

Q. You kept on going back after a job all the time?

A. Yes, I find another job.

Q. You say you got a new job in January. How much money did you make on that job?

A. More than two months, I got 52 cents an hour.

Q. How many hours a day did you work?

A. Eight hours.

Q. How much did you get at the end of the week?

A. Twenty dollars.

Q. You worked eight weeks?

A. Yes.

Q. You made about $160?

A. Yes.

Q. Was that all the money you made from the time you were discharged?

A. That is all. I no work no place else.

Q. Did you file a charge with the Labor Board after you were discharged?

A. Yes, sir.

Q. When was that, do you remember?

A. March.

Q. March of 1937?

A. Yes.

Q. Were you ever called back to work?

A. Yes, he called me May 6th.

Q. Who called you back?

A. They sent me a postcard. Republic Steel sent me postcard.

Q. What did you do after that?

A. Well, I go to the employment office and they give me a job.

Q. Did you get your old job back?

A. Yes, sir, after three days extra, you know, three days loading the doors.

Q. After three days? For three days you were loading doors?

A. Yes, sir.

Q. And then you got your old job back?

A. Yes, sir, three days.

Q. He told you that after three days loading doors he would give you your old job back?

A. Yes, sir.

Q. And he did?

A. Yes, sir.

Q. When you were discharged in September, 1936, were you working on an hourly basis? Did you get paid by the hour?

A. Yes, sir, by the hour.

Q. Did you also get tonnage rate?
A. No.
Q. Just by the hour?
A. Just by the hour.
Q. How much did you get an hour?
A. At that time I got discharged, 59 cents an hour.
Q. 59 cents an hour?
A. Yes, sir.
Q. When you returned to your old job in May, how much did you get per hour?
A. For three days I worked 57 cents an hour, and after three days they give me my job, 74 cents.
Q. Then your old job was paying 74 cents in May?
A. 74 cents an hour.
Q. Do you want your job back at the Republic Steel Corporation?
A. Yes, sir.
MR. GROSSMAN: That is all.

Cross Examination

Q. (By Mr. Day) You went out on strike?
A. Yes, sir.
Q. On the 26th of May?
A. Yes.
Q. You have been out on the strike ever since?
A. All the time, on the picket line.
Q. And you have been working on the picket line right along?
A. Yes, sir.
Q. Up to the present time?
A. Yes.
Q. But you haven't asked for your job back since the strike, have you?
A. No.
Q. You joined CIO back in July a year ago?

A. Yes.

MR. DAY: That's all.

(Witness excused.)

FRED KORECKY

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Grossman) Will you state your full name?

A. Fred Korecky.

Q. Fred Korecky?

A. Yes, sir.

Q. K-o-r-e-c-k-y?

A. Yes.

Q. And your address?

A. 4620 Barkwell Avenue, Cleveland, Ohio.

Q. Were you ever employed by the Republic Steel Corporation?

A. Yes.

Q. When were you hired there?

A. In 1933.

Q. Which plant was that?

A. Corrigan-McKinney.

Q. The Corrigan-McKinney plant?

A. Yes.

Q. How long did you work there?

A. I worked there about five months.

Q. What happened then?

A. I resigned.

Q. You resigned? Did you ever go back to work again for Republic Steel Corporation?

A. Yes, I went back in 1930.

Q. 1930

A. Yes.

Q. How long did you work there after that?

A. I worked there for six years on and off.

Q. And when was the last time you worked there? What was the date, if you remember?

A. I worked there December 19, 1936, was the last day.

Q. Were you discharged then?

A. Yes.

Q. What type of work did you do in the mill, Mr. Korecky?

A. Well, the first part about two years, two and a half years I worked on pumps, I was a pump operator. And then I got laid off on account of strike work, and I was called back as a speed car helper, then I was promoted as speed car operator.

Q. Are you a member of the CIO?

A. Yes.

Q. Which lodge is that?

A. 1098.

Q. When have you joined the CIO?

A. July 26th.

Q. Are you an officer of that lodge?

A. Yes.

Q. What title do you hold?

A. Recording secretary.

Q. When were you elected recording secretary?

A. About August.

Q. August of what year?

A. 1936.

Q. About a month after you joined?

A. Yes.

Q. Were you one of the first members in the CIO?

A. Yes.

Q. Were you active in signing up men, talking to them about the union?

A. Yes, I was, outside the plant.

Q. What did you do? Did you sign up many men?

A. Well, I signed up quite a few.

Q. Where would you sign the men up?

A. Well, I would either sign them up at their home or on the corner of 30th and Broadway, in the cafe.

Q. Whose cafe is that, do you know?

A. Tom Cikah.

Q. Is that a beer parlor?

A. Yes, sir.

Q. Do you know Mr. Michael Naletrich?

A. Yes, I know him.

Q. Did he ever bring any men into the beer parlor to join the union, when you were there?

A. Yes, he was there.

Q. Did you sign those men up?

A. Yes, I did.

Q. Do you remember when it was that he brought these men in?

A. It was about August. Sometime around August, the 15th or 16th of August.

Q. Of what year?

A. 1936.

Q. 1936? Do you know Mr. Wakefield?

A. Yes, I do.

Q. Who is he?

A. He is company representative, management representative.

Q. Of what?

A. To the representative plan.

Q. Do you recall a series of conversations with Mr. Wakefield sometime in November, 1936?

A. Yes, I do.

Q. Will you state the substance of those conversations for the record, please?

A. Well, he called me in and asked me if I belonged to the CIO. I says I didn't. He says well he knows different and he says, "What is wrong with the representative plan?" He says, "Don't we do everything possible for you?"

I told him that I didn't belong to a trade. Well, he says he knows different. He says—well, I says, "If you think that way," I says, "I can't change your mind."

Q. When you said you didn't belong to it, did you mean the union?

A. Yes.

MR. DAY: What was the date of this conversation?

Q. Do you remember what date?

A. No, I don't.

MR. GROSSMAN: It was testified that it was November, 1936.

MR. DAY: All right.

Q. Was tl t all there was to that conversation with Mr. Wakefield?

A. To that one, yes.

Q. Was there a subsequent conversation with him?

A. Yes, he called me in another time.

Q. When was that, do you remember?

A. No, it was a few weeks prior to that.

Q. A few weeks prior, or after? Let's get it straight.

A. Well, after.

Q. Are you certain, now, that it was after?

A. After.

Q. All right, what was the substance of that conversation?

A. Well, he says, "I am still convinced, Fred, that you are still in the CIO." I says, "Well," I says, "I am not." He says "Well, I know different." And I says

"Well, how can I convince you that I am not in the CIO?" And he says, "Well," he says, "I don't know." He says, "I can expect more cooperation from you in the future, at these meetings."

Q. Which meetings was he referring to?

A. Representative meetings.

Q. Were you a representative?

A. Yes.

Q. Under the employees' representation plan?

A. Yes.

Q. All right, what else did he say?

A. And then he told me, he says, "You are always asking for more money," and he told me, he says, "What are you asking for more money for?" He says, "You are getting 15 to 20 per cent more a month," and he says, "why worry about the other men?"

Q. You were asking for more money, were you asking for more money for yourself?

A. No, for the department that I was representing.

Q. You mean that you were asking for more money for the men you represented in the employees' representation plan?

A. Yes, yes.

Q. You said, now, Mr. Wakefield was saying to you that you received 15 or 20 per cent more in your pay checks?

A. Yes.

Q. What was that 15 or 20 per cent for?

A. That was salary for the time that we put in as a representative.

Q. That was the time you were paid for your activities as employees' representative?

A. Yes.

Q. Was that over and above what money you earned as a speed car operator?

A. Yes.

Q. Did you ever have any talks with Mr. Wakefield?

A. Well, then he was talking, he says, I couldn't carry water on both shoulders, that I either had to be a representative or he says, why don't I resign.

Q. This was at the same meeting?

A. Yes.

Q. He said you either had to be a representative?

A. Yes.

Q. Or what?

A. Or resign, he said.

Q. Was there anything further to that conversation?

A. Well, then he told me, he says,—he brought it out in a way that he swore, he says—

Q. Well, state just what he said, don't be afraid?

A. Well, he says we either have got to be—he says "Some of these representatives belong in the CIO," and he says, "the son-of-a-bitches can't belong to the representatives and work here, and belong to the CIO too."

Q. Was there anything else said at that meeting?

A. That is about all.

Q. Did you ever talk to Mr. Wakefield again?

A. Yes, I was called in Mr. Tull's office.

Q. Who is Mr. Tull?

A. Electric superintendent.

Q. Was he your foreman?

A. Yes.

Q. And you were called to Mr. Tull's office?

A. Yes.

MR. DAY: Is that name Tull or Stull?

MR. GROSSMAN: Tull.

A. And Mr. Wakefield was there, and Mr. Tull asked me if I belonged to the union, and I says I didn't, and they told me—Mr. Tull told me that he differed, also, and I told him that I didn't. He still insinuated that I did, and they says that they heard different, and they asked me what was wrong with the representation plan, and they

was doing everything possible and I used to get everything done, and I told them, I says, "I always asked"—I says, "for something, but I never got it." The only thing that they ever did get done was to have benches put in the service room. That is as much as I got done, as long as I was representative.

Q. What other things did you request besides benches in the service room?

A. I requested more money —

MR. DAY: I object to this on the ground it has no bearing on any issue represented by the complaint.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

A. I have asked for more money on several occasions, and one time at our body meeting we asked for more money and was voted unanimously and it was taken up in the office through the district manager, who was carpenter, and Mr. Wakefield says he refused to take it up, that he knows what the answer is, that the answer would be no. It was on three incidents that we asked for more money and never got it.

Q. You said a body meeting, was that a general body meeting of employees' representative plan that you were referring to?

A. Yes, yes it was.

Q. Did you have any more talks with Mr. Tull or Mr. Wakefield?

A. No.

Q. No more talks with them?

A. No.

Q. Well, did you ever notice anybody watching you or watching your home?

A. Yes.

Q. Or your activities?

A. Yes, there was a man, right after I had those

talks, during the month of November, I don't remember the exact date, there was a man watched my house from about 7:30 in the morning until about 1 o'clock, a party across the street told this man he better move.

Q. Did you see—

MR. DAY: I object to conversation between the man and a party across the street.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that objection.

Q. Did you see this man across the street from your house?

A. Yes.

Q. Did you see him watching your house?

A. Yes, I did.

Q. Do you recognize that man?

A. Yes, I do.

Q. Do you know who he was?

A. Yes, he was either a sergeant or lieutenant in the police department down in the mill.

Q. Republic Steel police?

A. Yes.

Q. Had you seen him in the mill before that?

A. Yes, I had seen him.

Q. And after that?

A. Yes, I seen him after that.

Q. And he watched your home?

A. Yes, sir.

Q. This was subsequent to your talks with Mr. Wakefield, you say?

A. Yes.

Q. Then you were discharged on December the 19th?

A. Yes, December 19th.

Q. 1936?

A. Yes.

Q. What was the reason for your discharge?

A. Well, I worked from 3 to 11, the last night, and I

was told to go upstairs to see the turn foreman, Homer Kerr, and I went upstairs there, and about a quarter to 11, and he told me, he says, "Report to the employment office in the morning, they will have something for you there."

And I says, "All right," I says, "couldn't they leave me know during the day?" I says, "When I started to work, when there was some of the higher bosses here," and he says, "I don't know," he says, "I don't know anything about that," he says, "I was just told that you should go down in the employment office," and he says, "he will have some other job for you there."

So I went down to the employment office the next day, in the morning, and I stood in the waiting room of the men being hired there, there was quite a few men, and while I was standing there they hired about six laborers, and then George Krause got me.

Q. Who is George Krause?

A. The employment man and he took me and he took my assistant to his office, I guess it is, but his first name is Louis, I don't know his last name. And he says, "Make Korecky out a slip here for his money." And I said, "Whoa, wait a while, George. I was told to come down here for a job." And he says, "Go ahead, he has got the slip." I said "Wait a while." I said, "Haven't you got any job, haven't you got anything at all?" I said, "A laborer's job or anything. I will take anything," I said. He said, "No." And I said, "Why you just hired six men out there. I seen them come in here and I seen you signing them up now." He said, "Oh, never mind." And, "Lew, make out the paper." I said, "No, I don't want no paper. I don't want to get my money yet." He said, "Don't be stubborn. Give us that badge. That is Company property." And I said, "No. I have got money up in the main office. That will cover the price of this badge. I will leave my money there for a while." And he said, "Oh, don't be so God damned stubborn." I said, "I am not. I will go

ahead and I will give it to you later." He said, "All right, if you want to be so damned stubborn." And I said, "Yes, that is the way I will be." And I walked out.

Q. When you asked Mr. Krause for a job as laborer, you say he was hiring other men?

A. Yes.

Q. Were they being hired as laborers?

A. Yes; they were being hired as laborers.

Q. Were these men new men, do you know?

A. I never seen them down at the plant before.

Q. You never saw them at the plant before?

A. No. I knew most of the laborers.

Q. Was your work to your knowledge at all times satisfactory, Mr. Korecky?

A. Yes, it was.

Q. And I believe you stated you were promoted from speed car helper to a speed car operator?

A. Speed car operator.

Q. After that did you try to get your job back?

A. Yes; I tried to get my job back on several occasions.

Q. Tell us about the first one.

A. I went back about a week later and I was going ahead and trying to get the special meeting to have a vote taken on the representative meeting and in the meantime I went down to the employment office and got to see George Krause and he called Law Wakefield down and the four men that were fired were down there with me, there was three besides myself, and we asked for a job. We knew that he was hiring, we asked him for anything, laboring or anything, and he started replying to me. He said, "Now Fred, you always used to ask for more money. You would not work as a laborer." I told him, "yes, I will work as a laborer. I was born with a pair of overalls but you were born with a white collar." I said, "You would not, but I would." I said, "What is the difference if I go outside

and work for $60 a month on WPA with a pick and shovel or work here with a pick and shovel for 52 cents an hour?" He started grinning and laughing and laughed it off. He said, "Oh, maybe we will have something. I will let you know." And that was all on that occasion.

Q. What happened to these other four men that came in with you?

A. Well, two of the men were given jobs, and the other man was given a job later on.

Q. What did you do after that in an attempt to get your job back?

A. Well then, I seen a few of the representatives and I asked them to bring it up at the meeting. Well, it was at the next meeting, I guess it was December, or no, January, about the 13th.

Q. Which meeting are you referring to now, is that a meeting—

A. The representative meeting, the regular meeting they held.

Q. Was that one of these general body meetings?

A. Yes.

Q. Of the Employees Representation Plan?

A. Yes.

Q. You asked these men to bring your case up before the general body, is that right?

A. Yes.

Q. All right. Proceed.

A. I was waiting outside during that meeting and they must have brought the motion on the floor because one of the officers came over to the fence there and told me to come in, that they want to see me, and so I came in and I came to the meeting and the men says, "We passed a motion here to have you come here and explain your case." So I started to explain my case just the way it was, that I have had seniority rights in the electrical department and that they were hiring men on the pumps, which

was my job, in that department, and they were hiring quite a few apprentices in the construction gang that was still in my department that I represented and I told them just the way I was let go and I told them of the other three men also and I told them if they won't get satisfaction from inside the plant there, I said, you can take the case further, which your book states, and when I made that statement I said they could take the case further, Lew Wakefield got up and said, "I got you here to explain your case and that is all, and get the hell out of here."

Q. Now, this was at the general body meeting you stated?

A. Yes.

Q. The general body meeting, is that composed only of the employees' representatives?

A. Employees' representatives and secretary and usually Lew Wakefield was called to those meetings.

Q. He was invited to those meetings?

A. Yes.

Q. Did the general body vote on whether they thought you ought to have your job back or not?

A. I heard later—

MR. DAY: I object to what he heard later.

MR. GROSSMAN: Just a minute.

TRIAL EXAMINER LINDSAY: I will sustain the objection.

Q. (By Mr. Grossman) Did you ever hear after that from any of the representatives what the result of the vote was?

A. Yes; the vote was unanimous to reinstate me.

Q. Who was the representative, do you know?

A. John Exall.

Q. All right. Was anything ever done after that, did you get your job?

A. No; there was nothing done after that.

Q. Did you file a charge with the Labor Board after that?

A. Yes, I did.

Q. When was that, do you recall?

A. In January.

Q. Of 1937?

A. Yes, 1937.

Q. Were you ever called back to work after that?

A. Well, there was a man came over to the house and he told the wife that his name was George Krause, whom I knew, and he told the wife to tell me to come down to the shop and that day was late, I didn't know whether I would catch him down there, so I called him up on the telephone and I was talking to him and I said, "What do you want to see me about, George?" And he says, "Come down here." He said, "I have got a job for you." I said, "What kind?" He said, "A laborer's job." I said, "Oh." He said, "Come down here anyhow and have a talk with Lew Wakefield," he said. And I said, "All right. I will be down later."

Q. Did you go down?

A. No; I didn't go down. I had a little business to attend to the next few days and I have heard that there was going to be a strike down there and I didn't want to go down for the few days, being a Union man.

Q. When was this date again that Mr. Krause asked you to come down?

A. It was May 18th or 19th.

Q. That was shortly before the strike?

A. Yes, shortly before.

Q. Were you employed then? Were you working then? Well, did you work at all from the time you were discharged until then?

A. Yes, I did.

Q. How much did you earn?

A. I earned about $370.

Q. $370?

A. Yes.

Q. Is that all the money you earned in the time you were out?

A. Yes.

Q. When you were discharged, were you working on an hourly rate?

A. Yes, I was.

Q. Were you also being paid by tonnage rate or just hourly rate?

A. Just the hour.

Q. What did you get per hour?

A. When I left we was getting 62 cents an hour.

Q. How many hours a day did you work?

A. I worked eight hours a day.

Q. How many days a week?

A. Sometimes I worked six and sometimes five. It was a week on and a week off.

Q. And alternately you worked 40 or 48 hours a week?

A. Yes.

Q. Were you getting time and a half for the additional eight hours?

A. Yes.

Q. Was there a pay raise during the time you were out, do you know?

A. Yes, there was.

Q. Do you know what the rate was?

A. No.

Q. Do you want your job back at the Republic Steel?

A. Yes, I do.

Cross Examination

Q. (By Mr. Day) You want your job back. You are still out on a strike, are you not?

A. Yes.

Q. You haven't asked for your job back since the

strike started, have you?

A. No, during the strike, no.

Q. And since the strike started, you have not asked for it, have you?

A. Not during the strike.

Q. The strike started May 26th?

A. Yes; about that time.

Q. You have been active on the picket line?

A. I have been active, yes.

Q. At what plants?

A. I have been active at both plants.

Q. Both the Truscon and—

A. Truscon and—

Q. —Corrigan-McKinney?

A. Yes.

Q. Are you a picket captain?

A. No, sir.

Q. But you are recording secretary of the lodge?

A. Yes, I am.

Q. As recording secretary, you have something to do with meetings having to do with the policy of the pickets and so forth?

A. No; I haven't.

Q. You joined the C. I. O. in November, 1936?

A. I joined in July.

Q. Oh, you joined in July, 1936?

A. July 26th, 1936.

Q. Were you ever a paid organizer for the C. I. O.?

A. Yes, I was.

Q. Starting when?

A. It was about June.

Q. June of this year?

A. Yes.

Q. Are you a paid organizer for the C. I. O. now?

A. No, I am not.

Q. But did you get some pay?

MR. GROSSMAN: I object.

TRIAL EXAMINER LINDSAY: Yes; I will sustain the last objection. He said he was not now a paid organizer.

Q. Do you get some compensation as Recording Secretary?

A. No, I don't.

Q. Do you know a man named Castman?

A. I know him to see him. Personally, I don't.

Q. Well, do you belong to the same lodge he does?

A. No, I don't.

Q. You don't know anything about his telephone job at $100 a month?

A. No, I don't.

Q. You used to be a member of the general body of the Employees Representation Plan, did you not?

A. Yes.

Q. Representing what department?

A. The electrical department.

Q. The electrical department?

A. Yes.

Q. How long did you hold that position?

A. I have held it until I was discharged.

Q. Well, starting when?

A. It was July 8th, the election, I guess July 8th the elections were.

Q. 1933?

A. In 1936.

Q. Oh, you were elected in 1936?

A. Yes.

Q. And you held that position from July 8th, 1936, until you were discharged?

A. Until I was discharged December 19th.

Q. Then you held the job as a member of the general body for your department in the Company Representation Plan for some time after you joined the C. I. O.?

A. I have held it as a representative, yes.

Q. Did you tell anybody that you had belonged to C. I. O. during that period of time?

A. Yes.

Q. When did you first tell anybody in the Company you belonged to C. I. O.?

A. The first man that I signed up.

Q. No. I don't mean that. Don't misunderstand me. You joined C. I. O. in July, 1936?

A. Yes.

Q. And you left the Company when?

A. December 19th, 1936.

Q. 1936?

A. Yes.

Q. Now, during that period of time, you belonged to C. I. O.?

A. Yes.

Q. And during that time you were signing up men for C. I. O.?

A. Outside the plant I was.

Q. And during that time also you were a member of the general body of the Employees Representation Plan for your department?

A. I was a representative for the electrical department.

Q. During that same period of time?

A. Yes.

Q. What I want to know is whether you told anybody, an officer of the Company, Republic Steel Corporation, from July until November, 1936, that you had joined the C. I. O.?

A. I might have, I don't know.

Q. Well, I want you to tell us whether you did or whether you did not as near as you can?

A. Well, I cannot tell you.

MR. GROSSMAN: We don't know what Mr. Day means by an officer.

Q. Well, did you tell Mr. Wakefield you joined the C. I. O. before November, 1936?

A. No.

Q. Did you tell Mr. Tull?

A. No.

Q. You kept that secret?

A. It was not a secret. It must have been known down there, my being the officer of a lodge.

Q. Well, you didn't tell anybody, that is Wakefield or Tull or the foreman or any of those people?

A. No.

Q. Now, you say that there were some men across the street watching your house?

A. Yes.

Q. When was that?

A. It was some time in November.

Q. Of 1936?

A. Yes.

Q. And when was it you had your first talk with Mr. Wakefield you have been telling us about?

A. It was the first part of November. When, I don't know.

Q. Where did that take place?

A. Took place in the hospital building. Mr. Wakefield had his office there.

Q. Nobody there besides you and Mr. Wakefield?

A. No, nobody.

Q. Now, the other talks you had with Mr. Wakefield, was Mr. Tull there sometimes?

A. No, not in Mr. Wakefield's office.

Q. Then all of the talks you had in Mr. Wakefield's office, there was nobody there but you and Mr. Wakefield?

A. No, not all of them.

Q. What?

A. Not all of them. I used to go in his office quite a few times on grievances. I used to have the boss with me.

Q. I mean on your own situation?

A. No, nobody was there.

Q. Where did this conversation between you and Wakefield and Tull take place?

A. Took place in the electrical shop office.

Q. Was there anybody there besides you, Wakefield and Tull?

A. No, no.

Q. Did you ever have any talk with Tull when Wakefield was not there about your own situation?

A. No.

Q. You say you did not talk to Tull?

A. I talked to Tull alone but not about the situation.

Q. But not about this matter?

A. No.

Q. You said something about going back and trying to get your job back with three or four other men?

A. Yes.

Q. Who were those three or four other men?

A. Those were the men that were discharged with me. There was eight men on the job altogether. Four got work, two got work later at the Truscon plant, and the other was called back into the plant later on.

Q. Had those men joined the C. I. O., do you know?

A. Yes, they were all C. I. O. men.

Q. Then the men who got their jobs back had joined the C. I. O.?

A. Yes.

Q. When did they get their jobs back?

A. I don't exactly know.

Q. Well, about when?

A. I don't know.

Q. Can you fix the date at all?

A. No, I cannot.

Q. When was it that you and the four men talked about getting your jobs back?

A. That was about a week later prior to being discharged.

Q. And you say you were discharged in November?
A. December 19, 1936.
Q. December?
A. Yes.
Q. Then it was about a week after December 19th, 1936, that you and these other men talked to—was it to Mr. Wakefield?
A. To Krause and Mr. Wakefield.
Q. About getting your jobs back?
A. Yes.
Q. And how soon after that did these other men who belonged to the CIO get their jobs back?
A. I don't know.
Q. Well, have you any idea?
A. No, I haven't.
Q. But you know they got their jobs back?
A. I know they didn't get their jobs back at all, they got jobs at the Truscon.
Q. Oh, they got jobs at Truscon?
A. Yes, two of them.
Q. How soon after they talked to Wakefield did they get their jobs back at Truscon? About how long?
A. I don't know.
Q. Can you give us any idea?
A. No, I can't give you an idea.
Q. What were the names of those men?
A. One was William Senich.
Q. All right.
A. And Andrew Farago.
Q. How do you spell his last name?
A. F-a-r-a-g-o.
Q. Farago? Now, in December, 1936, when you say you were working on a service car, were you not?
A. Yes.
Q. And at that time you were the junior man working on that service car crowd or gang? Well, you knew where you stood as to seniority at that time?

A. Yes.
Q. Where do you say you stood?
A. I stood sixth.
Q. Out of how many, do you know?
A. Out of eight.
Q. That is, you said six in seniority out of the eight?
A. Yes.
Q. On that particular service crowd or gang?
A. On that particular job.
Q. Yes.
A. And I was fixed in seniority on that job. In the electrical shop I had greater seniority, in the electrical shop than on the service car.
Q. On that particular gang you were working at, if that is the proper word to use, at that time you were sixth out of eight?
A. On that gang, yes.
Q. And do you know whether or not along about that time some gasoline locomotives were eliminated from the equipment of the company used in the service car work?
A. I wasn't told, but I heard.
Q. That they had been eliminated?
A. I heard that they eliminated them.
Q. About when did you hear that?
A. Well, I couldn't tell you. It was right after I was left go. They started to using gasoline trucks instead of service car.
Q. Now, you said that you told the company, Mr. Wakefield or Mr. Tull, that you would be perfectly willing to work as a laborer?
A. Yes.
Q. Now, about the 20th of May somebody called up your house and talked to your wife, Mrs. Korecky, about your coming back?
A. Yes.
Q. That was only six days before the strike?

A. Yes.

Q. And do you know whether or not anything was
id at that time about getting you some job, if you did
me back?

A. He told me that I would get a laborer's job.

Q. Who told you that?

A. George Krause.

Q. He was the employment man?

A. Yes.

Q. And did you tell him at that time that you were
orking for the organization?

A. No, I did not.

Q. Did you tell him that you did not want to dig
ches?

A. No, I did not.

Q. What did you tell George Krause?

A. I told him that I would be down to see him.

Q. Well, did you go down to see him?

A. No, I didn't.

Q. As recording secretary for your lodge, did you
ve any headquarters, or did you use this saloon as a
adquarters at times, or as a place where you did your
ork?

A. No, I didn't.

Q. Well, you said something about doing something
this saloon belonging to this Cikah, as testified here yes-
rday, what did you do in that saloon?

A. (Witness shakes head.)

Q. What?

A. I used to hang in the saloon, if that is what you
ll it.

Q. Did you do anything else except hanging out there?

A. No, I signed up some men.

Q. You signed up some men in this saloon?

A. Yes.

Q. What kind of a building is this saloon in?

A. A wooden building with a brick front.

Q. It had windows in it?

A. Yes.

Q. How far from the plant is it?

A. Oh, I couldn't tell you how far.

Q. And what plant?

A. Corrigan-McKinney.

Q. You say that there were policemen, company policemen were across the street, the company men were across the street?

A. There was one company man, policeman.

Q. At the time you were in there signing up men?

A. No, not at the time I was signing up men. When I was home.

Q. Well, did you see any company policemen across the street?

A. I says I live right across the street from Tom, diagonally.

Q. Oh, you lived right across he street from the saloon?

A. Yes, at 4709 Broadway.

Q. And you would frequently go from your home to the saloon, and from the saloon to your home?

A. Yes, sure.

Q. And you would see the policeman across the street?

A. No, this man was watching me.

Q. This man was watching—

A. Was watching my house.

Q. He was watching your house?

A. Yes.

Q. Did you ever see any man watching the saloon while you were in there?

A. Well, I did.

Q. When was that?

A. Well, off and on, I used to see a company man come around there.

Q. And when, how far back was it in 1936 or 1937, that you would see that man watching that saloon, when you were either going to it or coming from it or being in it?

A. Well, it was just about when I was left go.

Q. That was when?

A. In December.

Q. In December of 1936?

A. Yes.

Q. Was that saloon patronized by men working in the mill, also?

A. Some, yes.

Q. That is, some men that worked in the mill went in there and took a drink once in a while?

A. Oh, yes.

Q. And some men that you asked to join the CIO went in there and took a drink; is that right?

A. I don't know.

Q. When did you say you knew the strike was going to be called?

A. I didn't say when I knew. I says I found out a few days later.

Q. Well, did you say that when you were called about coming back for a job, that you had found out a strike was going to be called?

A. A few days later.

Q. That is, you found out that a strike was going to be called a few days later?

A. Yes.

Q. Where did you find that out?

A. I don't know, I won't say, being an employee of the organization.

Q. All right.

A. It is—

Q. Some employee of the organization, you mean your CIO lodge?

A. Yes.

Q. You would not say who it was?

A. It wasn't the CIO lodge, it was the organization itself.

MR. GROSSMAN: I object, I don't think the—

TRIAL EXAMINER LINDSAY: Yes, I think that is immaterial. Discontinue it.

MR. DAY: All right, that is all.

TRIAL EXAMINER LINDSAY: The objection there is sustained.

Redirect Examination

Q. (By Mr. Grossman) Mr. Korecky, did I understand you to say that you found out a few days after you were called back that a strike was going to be called?

A. Yes.

Q. At the time that you spoke to Mr. Krause, did you know that a strike was going to be called?

A. No.

Q. You found out several days later?

A. Yes.

MR. GROSSMAN: That's all, thank you.

MR. DAY: Just wait a minute.

Recross Examination

Q. (By Mr. Day) You said a minute ago, I understand, in answer to a question by the Labor Board lawyer, that you found out that a strike was going to be called a few days after you were asked to come back?

A. Yes.

Q. Well, didn't you say in direct examination a few moments ago, that you did not go back when they asked you

to go back, because you knew or had heard a strike was going to be called?

A. No, I didn't. I says a few days later I have heard.

Q. All right. If you said that you were mistaken, were you?

A. I must have been.

BY MR. DAY: All right, that is all.

TRIAL EXAMINER LINDSAY: I think what he said, Mr. Day, was that he had some business that took a few days to take care of, and then he found out that the strike was going to be called.

MR. DAY: Well, that is not our—

TRIAL EXAMINER LINDSAY: That is the direct testimony.

MR. DAY: Anyway, the record shows what it is.

TRIAL EXAMINER LINDSAY: Yes, we are going to have a short recess.

(A short recess was had.)

(Witness excused.)

GEORGE TROYANOVICH

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your full name?

A. George Troyanovich.

Q. Where do you live?

A. Maynard, Ohio.

Q. Have you been employed at the Republic Steel Corporation plant in Cleveland?

A. Corrigan-McKinney plant since September 3, 1935.

Q. How long did you work there?

A. I worked there up until the 26th of August, 1936.

Q. Did you say the 27th of August?

A. The 27th of August.

Q. What year was that?

A. 1936.

Q. 1936? What happened then?

A. I was discharged.

Q. What kind of work were you doing while you were employed by the Republic?

A. Chain man, bed chain man.

Q. Will you describe the nature of the work of a bed chain man?

A. Well, the steel is put up in the bed to cool and as it gets cool enough, why the duty of the chain man is to hook it up with a chain on the crane and place it in the car for loading for shipment.

Q. When you say "load it in the car" do you mean railroad car?

A. Railroad car.

Q. That goes out of the plant?

A. Yes, sir.

Q. Now, as a bed chain man, are you a member of a crew?

A. Yes, sir.

Q. What are the other members of the crew?

A. The crew is composed of two bed chain men, two car chain men, and the crane man, shipper.

Q. There are six men in all, in that crew that you were a member of?

A. Six men, yes, sir.

Q. Will you describe what the duties are of the car chain man?

A. The car chain man prepares the car to receive the steel which is placed on blocks in the car.

Q. You are referring, again, to the railroad cars?

A. Railroad cars it is, and after every lift is placed in the cars, they put what they call separators between the lifts so that the chain can be passed through them for unloading.

Q. What does the shipper do?

A. The shippers sees that the steel is shipped to the proper destination, proper customer, and he writes up the steel, checks it. At the present time they must estimate the lifts so that they don't overload the car. 100 cap and 140 cap cars is what they use.

Q. By "cap" you mean capacity?

A. Capacity, yes, sir.

Q. Now, what does the craneman do, what is his job?

A. Well, the craneman loads. There are two cranemen in the yard. One takes out hot steel out of a bed and places it on the car and the other loads. They change around. One works one side of the yard where the steel is cool, the other man takes the other side.

Q. The crew is composed of two bed chain men, two car chain men, and the crane man, and a shipper?

A. Yes.

Q. Are those all of the men that take care of loading the steel onto the train?

A. Yes, sir.

Q. Are there six men on each turn?

A. Yes, sir.

Q. Making a total of 18 men that handle the loading of the steel on the car?

A. That is right.

Q. What kind of steel is loaded on the railroad cars?

A. Sheet bars.

Q. Do these 18 men load all of the sheet bars that goes out of the Republic plant?

A. All the sheet bars that go out.

Q. Were the men in your crew segregated in respect to the cars or do they load all cars?

A. The two men were always on the car and we were on the bed.

Q. My question is whether or not you would load all of the cars as they came by regardless of where they were going?

A. Yes, all of the cars that came in.

Q. And my further question is whether or not any of these men were allocated to any particular cars going to any particular places?

A. These men loaded on any car.

Q. These six men loaded on all cars that went out of the Republic Steel plant?

A. Yes, sir.

Q. And these 18 men loaded on all cars that went out of the plant?

A. Yes.

Q. From September 3rd, 1925, to August 27, 1936, when you were employed in the Republic Steel Corporation plant, were you ever laid off?

A. At no time was I laid off. I always had a job there.

Q. You were working continuously there for 11 years, is that correct?

A. Yes.

Q. When did you join the Union?

A. In the latter part of June.

Q. 1936?

A. 1936, yes, sir.

Q. Did you get a vacation in July, 1936?

A. Yes.

Q. Prior to your going on vacation that day or the day before, do you recall what turn you worked?

A. I worked 11 to 7 turn, finished up Friday morning. It was July 24, 1936.

Q. Do you know a Mr. Casey?

A. Yes.

Q. Do you know a Mr. Murphy?

A. Yes.

Q. Who are they?

A. They are two boys at the Otis Steel Company.

Q. Did you have a conversation with them prior to your going on your vacation?

A. The morning that we quit.

MR. DAY: As I understand it, those two men were employees of the Otis Steel Company?

MR. LAUTER: That is correct. I ask it be admitted subject to connection.

MR. DAY: We object to it at this time.

TRIAL EXAMINER LINDSAY: Well, I will overrule the objection and let the record show an exception.

Q. Go ahead.

A. The morning of the 24th when I was finishing up my shift, I went up the hill, called Dille Road and Broadway, to wait for a car. And Casey walked over to me and he said he would like to speak to me.

Q. When you say a car, you mean you were waiting for a streetcar?

A. Waiting for a streetcar, going to go home.

Q. Yes.

A. Casey walked over to me and asked me if I would not spend a few minutes with him, he would like to talk to me and I told him where at, and they stated that the car was parked on Broadway a little ways up Dille Road and they gave the license number and told me to go up and wait until they got there.

Q. Did you go up to where that car was parked?

A. Yes, sir.

Q. Did you wait for them to come?

A. I entered the car and stayed there until they come up.

Q. Did they come up?

A. A few minutes after they come up, yes.

Q. What happened after that?

A. So then we drove around the block and then they started to ask me how the Union was progressing down there.

Q. Down where?

A. Down at the plant.

Q. What plant?

A. Republic.

Q. Corrigan-McKinney plant?

A. Yes.

Q. What did you say?

A. I told them there is something wrong somewhere, that there is being men called in, and they said yes, that is what we want to speak to you about.

Q. Called in where?

A. Called into the office and questioned by their bosses.

Q. Their superintendents?

A. By their bosses or superintendents, I don't just know.

Q. By whom else were they being questioned?

A. Captain Jones.

Q. What further did they say?

A. They said they thought there was a leak somewhere, that one of the organizers was giving information to the Company, and they asked me if I knew who it was and I said I never had no idea I didn't go nowhere, so I didn't know, only just what I heard and they told me they thought it was a man by the name of Lohman.

Q. L-o-w—

A. L-o-h-m-a-n.

Q. I see.

A. They told me they thought it was a man by the name of Lohman that was providing the Company with information.

Q. Who was Lohman?

A. Lohman was an employee of the Company and he also was a representative for the Employees Representation Plan from the coke plant. He represented that department.

Q. After you drove around in the car, what happened then?

A. Well, they asked me what the men thought down there and I told them the men was scared, they won't say anything, and they took me down below the—they asked me where I wanted to go and I said I was going to go home, my vacation started that day, and that I was to go to the office in the morning to the paymaster to get my vacation money and I was to go on my vacation, so they took me down as far as 45th below Finn Avenue rather, a little ways below the office. I got out of the machine then.

Q. Do you know Sam Naletrich?

A. I know Sam Naletrich.

Q. Did you see him that day?

A. I stepped out of the machine and started up the street and I ran into Sam Naletrich, and he asked me where I was going. I told him up to my main office to get my vacation money, I was going on vacation. Right away he asked me, he says, "What is the matter?" he says.

MR. DAY: I object to this conversation between him and Naletrich. No evidence that could bind the company. This Naletrich did not represent the company.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

MR. DAY: Exception.

Q. Go ahead.

A. Shall I continue the conversation?

TRIAL EXAMINER LINDSAY: Yes.

A. Well, he asked me what was the matter, he said, "Ah, the men were being called in." And we talked just

a few minutes, he told me, he says, "Watch yourself, here comes the company stool"—stool pigeon, I guess he meant.

I looked around, there was a fellow coming down the street slowly and he says, "That fellow hangs around the beer joint all the time," he says, "he turns in fellows that sign up," and this man went on down the street and then I departed and I started towards the office to get my money.

MR. DAY: I move that conversation be stricken out for the reasons already stated.

TRIAL EXAMINER LINDSAY: Motion denied, let the record show an exception.

MR. DAY: Exception.

Q. Now, did you mean [meet] Mr. Lohman that day?

A. I went around the corner of Finn Avenue and continued my journey up to the office, and went around the corner and ran into Lohman, who was driving a machine. He blew his horn, called me over and stated—he said that "What are the men doing down at the plant?" "Well," I says, "I guess that there is quite a few of them being called in," I says, "they are scared." He says, "Have any been fired?"

Q. Go ahead.

A. He says, "Have any men been fired?" I says, "No." "Not as I know of yet," and he says, "there is no harm in being called in," he said. So then I left him, went up to the office and I obtained vacation money and was coming out of the office, I seen this man that passed us on the street at Broadway, that he stated was a stool pigeon—I seen him standing in the lobby of the office talking to a uniform policeman there at the desk.

Q. Now, do you know Mr. Ambrose Haggerty?

A. Yes.

Q. Is he employed at the mill?

A. He is assistant chief chipper.

Q. Chipper?

A. Chipper, yes, he was my boss.

Q. Did you have a conversation with him on the day that you went on your vacation?

A. Well, he came after me about 11 o'clock of the same day, I was in bed. I was leaving in the afternoon on vacation, and he came to the house about 11 o'clock and stated that I was wanted down at the main office immediately.

So I got out of bed, dressed up, and we went down, I stayed in the lobby for a while, and Mr. Wakefield came out after me in the lobby of the house and he took me into a room there and Captain Jones entered. And then they both started throwing questions at me.

Q. And Captain Jones was the chief of police there?

A. Chief of police, yes, sir.

Q. Go ahead.

A. Mr. Wakefield first asked me, he says, "George," he says, "how do you stand on this union business?" I says, "So far I am neutral." He says, "You are?" I says, "Yes." He says, "What were you doing on Broadway this morning?"

MR. DAY: What is the date of this conversation?

Q. What was the date that this happened, do you recall?

A. The conversation was the same date, the 24th of July about—well, between 11 and 12 o'clock, I think.

Q. Go ahead.

A. He asked me, he says, "What were you doing, talking to those two men up on Broadway this morning?"

I says, "What two men?" He says, "You know what two men," he says, "you were talking to the two men that you got into the machine with."

Well, this Captain Jones and Mr. Wakefield were both asking me the same questions at the same time. They both were in a hurry to question me.

Q. Well, did you admit that you had gone into the car with two men?

A. At first I just acted as if I didn't know what they were talking about, and then I don't know whether it was Captain Jones or Mr. Wakefield stated, he says, "We know you would not get into a machine with two strange fellows, no one would do that."

So then I knew that they had seen me get in the machine, and there was no use trying to deny it, then I says, "They were two men from the Otis Steel, two organizers."

Q. What further conversation took place at this time?

A. Well, Captain Jones started to attack the CIO organization and told me that John Lewis was a racketeer, that he was just out to make money for himself, he wants to get us into the union—once he gets us into the union why there would just be trouble, and he told me that if I would know what was good for me I would stay away from those two fellows doing that, that they were trouble makers, so I said I would, after all I didn't know what they wanted, when they got into the machine, and I thought that there was no harm done in going into the machine and having a conversation with them.

So then Mr. Wakefield stated that I should come around to see him after I got back from my vacation. I went home. I left, that afternoon.

Q. During that conversation, was any mention made of contacts with any of the men in the plant?

A. Oh, that is right, there was Captain Jones asked me, he says, "How many contacts did you have with those fellows?" I says, "None?"

He said, "Yes, you did." I said, "I didn't," I says, "I didn't know the fellows very well." In the first place, I said I didn't have any contacts.

So then he dropped further questioning along that line.

And then Mr. Wakefield stated what I just said, there, that I should come in to see him after I got back from my vacation.

Q. You testified before that you said during this conversation that you were neutral?

A. Yes.

Q. Was there any answer by anyone at the conference about that?

A. Sir?

Q. You stated before that you said that you were neutral?

A. Yes.

Q. Was there any comment on that statement?

A. Well, they didn't say anything, they didn't say anything only that they wanted to know why, if I was neutral, what I was doing in their company. They asked further—Mr. Wakefield said that I can't be neutral, that is what he stated, he stated that I can't be neutral, that I must take sides, that it is impossible to be for and against the company. I must be either for one side or the other, and he urged me to go down into the plant to influence the men in my department to join the Employees' Representation Plan and have nothing to do with the CIO.

Q. Now, were you a representative under the Employees' Representation Plan at the plant?

A. Yes, I was a representative from December, 1935, until June or—I just don't know what part of June, June, 1936, until they had the elections over there, voted under the representation plan, then I was defeated for the office.

Q. During the period that you were in—Were you acting for someone who had left the position?

A. Yes, a man by the name of Alex Balint, was representative in the department and I was the next alternate, runner-up to him.

Q. You were the alternate?

A. Alternate.

Q. Did you go on your vacation in July?

A. Yes, I went that same afternoon.

Q. Who is Mr. Shriber?

A. I don't know if I got this information correct. I heard he was the efficiency expert down there.

Q. What was his position with respect to, let us say, Carpenter, who was district manager?

A. Well, some assistant there, some assistant to Mr. Carpenter, I understand.

Q. When you came back from your vacation, did you have any conversation with Mr. Shriber?

A. Well, I was called to the office about the second or third day that I got back. I got a call from Mr. Haggerty that Mr. Zimmerman wanted to see me, he was superintendent of the order and shipping department.

Q. Will you state what that conversation was with Mr. Shriber?

A. Well, he first said that he was very much disappointed in me, and I wanted to know just what he meant by that. He said that I knew what he meant. He didn't get to the point. And then he said, "You know," he says, "they are going to start organizing this union down here," he says, "there is going to be a lot of trouble," and he says, "we have had intentions of putting in a new mill here in Cleveland," but he says, "if this threat of the union drive is going to go through, we might change our minds and not put the mill in here," and he says, "you know there is going to be some good jobs when that mill goes up," and he says, "you look like a pretty inteliigent fellow," and he says, "if you work with us, why," he says, "we will see that you will get a good job."

And he further stated, he said, "You know, the Republic Steel has the reputation of being very good to its friends, and damned ruthless to its enemies."

Q. Was there anything further said at that conversation?

A. Well, he asked me to go down there, he said that we didn't know how to make the employees' representation plan work.

Well, I didn't know exactly what he meant by that, so I said, "Well, while I was representative, I took cases up to Mr. Wakefield and all of the cases that I took up," I says, "were satisfactorily settled." I says, "Is that what you mean?"

He says, "No, that is not the way I mean," he says, "you fellows just don't know how to make the plan work," he says, "effectively."

Then he stated, he said that he hoped he would not get any bad reports on me, and wished I would change my mind and help the company out.

Q. Now, you mentioned Alex Balint before. Subsequent to this conversation with Mr. Shriber, did you have any conversation or contact with Mr. Balint?

A. Well, once in a while he would come over to the house, he would come over to my house and ask me what the men—

MR. DAY: I object.

A. —what they were saying.

MR. DAY: I object to this conversation between this witness and Alex Balint. This man Alex Balint didn't have any authority to represent the company, the company didn't have any knowledge of it.

TRIAL EXAMINER LINDSAY: Well, the objection is overruled. Let the record show an exception.

MR. DAY: Exception.

Q. Did you have conversation with Mr. Balint about Mr. Lohman?

A. Yes, this same evening after I had been up to Mr. Shriber's office, why Alex Balint came over and he says, "Well, George, how is she going?" I says, "All right."

"Well," he says, "I am sorry to tell you," he says, "you are going to get fired." I says, "Yes?" I says, "Where did you get the information there? I just had a talk with Mr. Shriber this afternoon, he didn't say anything about firing me."

He says, "You are going to get fired," he says, "I am sorry to tell you." So I pressed him for the information, I says, "How do you know that I am going to get fired?"

"Well," he says, "since you have been away," he says, "why Lohman has confessed, said that he was the man that was providing information for the company, and if we laid for him or made contacts with certain men, as soon as he got hold of them right the next day, these men were called in."

Q. By "called in" do you mean to the office?

A. Called into the office and questioned, yes.

Q. Do you mean the office of the Republic?

A. Of Republic, yes.

Q. Go ahead.

A. They were questioned, and in that way they come to the conclusion that he was the man that was giving the information of the men who were joining the union.

MR. DAY: I move to strike out that conversation for the same reason set forth in the objection to it, and for the third reason that this part is at least double or triple hearsay, what Lohman confessed to somebody else.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

Q. Do you know whether the union has a signed confession from Mr. Lohman?

A. Why, Mr. Balint stated that—

MR. DAY: I object to this for the same ground.

A. —that Bozo Damish had it.

TRIAL EXAMINER LINDSAY: Overruled, note an exception.

MR. DAY: Exception.

Q. What did you say about Damish?

A. He has got the signed affidavit from Mr. Lohman, confessing that he had accepted money from the Republic's contact man to sell the men out.

MR. DAY: I move to strike that out, for the same reason.

TRIAL EXAMINER LINDSAY: Motion is denied, let the record show an exception.

Q. After you came back from your vacation, did you notice whether or not your house was being watched?

A. Yes, I noticed that. They would change cars around the house. Fellows would pull up in their machine and park there, look in the direction of the house, and then they would park on the other side of the street, get out and walk from the machine up to the corner.

I was never able to get a good look at them and see just who they were. But the family also—my family also noticed and watched these fellows, and as soon as I would leave or go anywhere, why these men would also disappear at the same time.

Q. Were you ever asked by Mr. Balint to go to see Mr. Damish?

A. Yes, it was the latter part of August, just the day, I believe, that I was fired, either that day or the day before, he come over to the house and asked me if I wouldn't go down to see Mr. Damish, he wanted to see him. I told him, I said,—

Q. Mr. Damish is the sub-regional or regional director for CIO?

A. Yes, I said, "Alex, I don't think I should, because I am being watched. I think I will get fired if I go down there."

MR. DAY: Object to the conversation between him and Balint, for the reasons already stated.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

Q. Go ahead.

A. He asked me if I was going to be down to the office and I told him I would probably get fired if I would, that I was warned that I would not be able to get away with anything, I would be fired if I left the house with anyone.

Q. You say you were warned that you would not be able to get away with anything?

A. Yes.

Q. Who warned you?

A. Captain Jones. That was the day I left on my vacation.

Q. What was the reason for going to see Mr. Damish, was that stated in any conversation?

A. Well, so many men got called in, a lot of the fellows were terrorized by the Company agents, that there was a lack of interest in the Union.

MR. DAY: I move to strike that out for the reasons already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. The record may show an exception.

A. He said that for that reason we want to rally the men at a meeting and I think just a week or so before a man by the name of John May, that was a representative of the Company Union, had a petition signed by some of the men. They claimed the majority of the men in there they wanted protection in case that there would be a strike there and in this petition it stated that the representative plan was better than the C. I. O. so Balint stated he wanted to have that as a debate at a mass meeting and have the Company Plan versus the C. I. O.

Q. Is that the reason Mr. Balint asked you to go to Mr. Damish's office?

A. Yes. He asked me to go down to the plant as a member of the Corrigan-McKinney, as an employee of

the Corrigan-McKinney plant. He asked me if I would get his O. K. to a mass meeting of that kind.

Q. After that conversation with Mr. Damish, did you go home?

A. After that conversation with Mr. Damish, I went home, yes, sir.

Q. Did you go to work that day?

A. I went to work at 3 o'clock in the afternoon, that is when I was supposed to start.

Q. You were on the 3 to 11 turn?

A. Yes.

Q. What happened when you went to work?

A. When I went down to the clock shanty, my card had been removed. That is the first time my card had been removed from the rack.

Q. That is in the 11 years you have been working there?

A. In the 11 years I have been working there my card was always in the rack and that day it was gone and I went up to the Sergeant at the desk and I asked for my card and he opened a drawer and he had it there and he started to question me. I rang my card and went in. I changed clothes and then as I started across the yard towards the sheet yard from the washroom I met Mr. Robbins, he is the chief shipper of the order and shipping department.

Q. Did you have a conversation with Mr. Robbins?

A. He said he was sorry he wanted to catch me before I changed clothes but he said I passed him up some way and he said, "You know, George, your work has been God damned unsatisfactory around here." I said, "Yes?" He said, "Yes, it has been God damned unsatisfactory and I don't want to stand here and argue with you." I said, "Well—"

Q. When you said yes just now, you meant that as a question? When you said yes after he had said your work was God damned unsatisfactory, you meant that as a ques-

A. Yes, I meant that as a question. I said, "Yes?"

Q. All right.

A. I says, "I have worked for you for 11 years. Just since when is this unsatisfactory work started? When did it start around here?" "Well," he said, "since you were defeated as a representative two months ago." He said, "That is when your work became unsatisfactory." "Well," I said, "just state in what way." I said, "Do you mean to say that I would not take orders from the shipper on the job?" He said, "Your work was unsatisfactory." He would not say, he just kept saying the work was unsatisfactory. Well then, I says, "That will have to be proven." He said, "Well, Charlie Barrie has got the proof," meaning the shipper on that job. So I said all right and I turned around and went back to my locker room.

Q. Did he say anything else to you about your influence on the men?

A. He said, "You have been a bad influence around here in the past two months."

Q. What did you do after that?

A. I wanted to get him to the point and still he would not come to the point. He said a bad influence. He would not say in what way.

Q. The next day was August 28th, is that correct?

A. Yes.

Q. Did you get in touch with any of the representatives under the Plan?

A. I went out the next morning and I contacted Tony Matchurik and he was one of the four representatives of the rolling mill department and together we went down for Harold Sisk.

Q. Go ahead.

A. So I went to see Mr. Matchurik and we went after another representative, Harold Sisk and then the three of us went over and picked up John Exall, that was another representative and a fourth, James Bradley, was working that day, and he was in the Plan and so that got me as far

as the Plan would go. They said they would get ahold of Mr. Bradley and they would see me, and Mr. Matchurik or Mr. Exall would come over to the house to tell me how the case was progressing. Well, it was not that day. It was the next day in the morning Tony Matchurik came over to the house.

MR. DAY: I object to the conversation between him and this man, whatever his name is.

TRIAL EXAMINER LINDSAY: Objection overruled. The record may show an exception.

A. He stated that they went down into the mill, that they had talked to Mr. Wakefield, and that Mr. Wakefield had told them that they had enough to hang me and Tony—

MR. DAY: I object to that also on the same ground. That it is hearsay.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. Then Matchurik further stated that Mr. Wakefield said it did not make any difference what they was going to do, they would never rehire me again.

Q. You testified before Mr. Robbins was the chief shipper, is that correct?

A. Yes.

Q. After this conversation with Mr. Matchurik, did you go to see Mr. Robbins?

A. During this conversation that they had with Mr. Wakefield, Matchurik said, "Now Mr. Wakefield, I work right in the next yard joining the sheet bar yard. When I am going back and forth to the crane, I always seen George."

Q. Referring to you?

A. Yes. He said "there isn't you or Mr. Robbins or anybody else foolish enough to say that that man did not work. He is one of the ablest men in Charlie Barrie's crew. He writes up the slips, he helps him in every way. You know you are not going to get very far saying his work is unsatisfactory."

MR. DAY: I move to strike that out.

TRIAL EXAMINER LINDSAY: Motion denied. Let the record show an exception.

A. So then Matchurik told—he said he suggested to Mr. Wakefield, how would it be for me to have a talk with Mr. Robbins, and Mr. Wakefield said it would be all right.

Q. Did you go to see Mr. Robbins?

A. I was there to see him twice. The first time we got the places mixed up where to meet and we didn't meet. So I went down there the next day but that day we didn't meet. Matchurik came over and wanted to know what Mr. Robbins told me and I told him I was waiting for him at Broadway and he didn't show up and he said, "Well, I was to see Mr. Wakefield" and he said—Mr. Wakefield didn't have any more to say until I had seen Mr. Robbins and had a talk with him.

Q. Did you try to get in touch with Mr. Robbins again?

A. Yes. I went down Independence Road to where Mr. Matchurik told me to meet him and I waited for Mr. Robbins and he came and he said he wanted to know what I had to say. I said: "I don't know. I was told to meet you here." Well, he asked me what I thought of the whole thing. I said I thought I was fired unjustly. I was framed. I don't think that will stand what they said that my work was unsatisfactory. Well, he said Charlie Barrie has got the evidence to prove that your work was unsatisfactory, which was a bad influence among the men. He said, "It will be on his evidence that your case will be decided." Well, I said, "Just what do you mean by this bad influence? Could that mean something about the Union?"

TRIAL EXAMINER LINDSAY: Just a minute. I will have to call a short recess.

(Recess.)

(Last answer read by the Reporter.)

A. And Mr. Robbins stated yes, he said, "That will be it," he said.

Q. And now, did you have a conversation with Mr. Matchurik? That is, after you spoke to Mr. Robbins?

A. Yes, he came over that set day and—

MR. DAY: I object on the ground already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. He came over that afternoon and wanted to know what Mr. Robbins had to say because they were waiting then to have this meeting before they could proceed with my case.

Q. You say they were waiting. Are you referring to the employees' representatives?

A. The employees' representatives were waiting to see what the outcome of our meeting would be before they would proceed with the case.

Q. Our meeting, you mean your meeting with representatives, is that correct?

A. Correct.

Q. Tell me what you had to say and what Mr. Matchurik had to say.

A. I related the conversation that day with Mr. Matchurik and he said they were going to visit the department heads, visit Mr. Zimmerman, Mr. Hagerty and Charlie Barrie and have their statements and then they were going to take that up with the general body and decide what they would do.

Q. Do you know whether or not Mr. Matchurik ever spoke to Mr. Barrie, is that B-a-r-r-i-e?

A. Yes. Well, they told me they had spoken with Charlie Barrie and Charlie Barrie—

MR. DAY: We object to any conversation in which he is going to detail what Charlie Barrie told him that he told this witness.

TRIAL EXAMINER LINDSAY: Well, I am going to overrule the objection, Mr. Day. Let the record show an exception.

As I understand the situation, this is in accord-

ance with this whole procedure until your discharge?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: Proceed.

A. There was no other way I could carry on any conversation with anyone else since I was not allowed in the plant and I could only talk to the representatives that had their word for me. I wanted to go into a meeting down there and tell my own facts. They would not let me. Mr. Wakefield refused me that. That was the reason why I had to say what my representative said.

Q. Go ahead.

A. So they stated that they had decided, Mr. Robbins and Mr. Hagerty and Mr. Zimmerman, and they—

MR. DAY: Same objection.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. These three fellows said that Charlie Barrie was the man that I would have to go to see because he was the man who provided them with the evidence that I was discharged on, so they went to see Barrie one evening and after questioning he said he could not prove it, he said we oftentimes would talk in groups of eight or ten.

A. Well, in the first place, there wasn't that many men in our department. I don't know where he could get that, there are only four men in the crew.

Q. When you say four men—

A. Yes, in the crew, he says, "When you walk off"—

Q. What do you mean, when you are referring to four men in your crew, you testified before there were six?

A. Four—two bed chain men and two car chain men.

Q. That's what you are referring to at this moment as the crew?

A. Yes.

Q. Go ahead.

A. When he walked up he would hear us conversing then whenever he would walk up, we would stop the conversation, we would stop the conversation and therefore

from that he concluded that we must have been talking about the union. That he couldn't prove it, he said he couldn't prove anything.

So then they took that evidence to the General Body on September 8th I think was the date of that meeting, and after a discussion on this vote the motion was made that I be reinstated unanimously.

(The document above referred to was marked as Board's Exhibit No. 88 for identification.)

Q. I hand you Board's Exhibit No. 88 for identification, and ask you whether that is copy of the minutes of the meeting of the General Body on September 8th, 1936, that you were handed by Mr. John Exall, representative?

A. Yes, those are the minutes of that meeting.

MR. LAUTER: I offer it in evidence as Board's Exhibit 88.

TRIAL EXAMINER LINDSAY: May I see it?

MR. DAY: We object to it.

TRIAL EXAMINER LINDSAY: Objection overruled. Board's Exhibit 88 is received in evidence. Let the record show the exception.

MR. DAY: Exception.

(The document previously marked for identification as Board's Exhibit 88 was received in evidence.)

Q. Who is Mr. Carpenter?

A. He was district manager at that time of the Republic Steel Corporation.

Q. Who was Mr. Exall?

A. Mr. Exall was a representative of the 40 inch mill.

Q. Did you have any conversation with Mr. Exall about his having visited Mr. Carpenter?

A. Yes, he told me that—

MR. DAY: I object to this on the grounds already stated, and with the additional ground that it is at least single hearsay.

TRIAL EXAMINER LINDSAY: Objection over-

ruled. Let the record show an exception.

A. He said, Mr. Carpenter, after they had heard—after they got the report that I was to be reinstated unanimously, he said—they were making a sanitation inspection—one day they were making a sanitation inspection of the plant, and during that inspection he was called into the main office.

Q. Who was called in?

A. Mr. Exall.

Q. Yes.

A. He was called into the main office and he asked him, he says—he asked him if he wanted to work at that place and he said, "Yes, why?" He said, "If I would not want to work," he said, "I would quit." "Well," he said, "what do you want to fool around with this Troyanovich for?" He says, "We know that he was an agitator and trouble maker," he said. "He was organizing down there," he says, "we fired him, so what?" "So what are you going to do about it?" He says, "When we fire a man once, we never take him back again."

Q. You filed a complaint with the National Labor Relations Board?

MR. DAY: I move to strike that out.

TRIAL EXAMINER LINDSAY: Which, the complaint? Filing the complaint?

MR. DAY: No, no, this last—the last conversation, that somebody told him what somebody else told somebody else.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

MR. DAY: Exception.

(The last question was read.)

A. Yes.

Q. Have you had any employment since August 27th, 1936?

A. Yes.

Q. When did you start working?

A. Started work the 30th of September, 1936.

Q. The 30th?

A. 30th of September.

Q. How much are you earning?

A. Well, I work in the mines, I work on a tonnage rate. It all depends on how many cars you load. The rate is all the same.

Q. How much were you earning when you started working in September?

A. I was working days, $5.26 a day, on day work.

Q. And working how many days a week did you work?

A. Five days.

Q. How many hours a day is that?

A. Seven hours.

Q. And how long did you work at that rate of pay?

A. About three months.

Q. And after that, what happened?

A. Well, I loaded coal then since January 1st up until April 1st or up until the present time, I am loading coal at the tonnage rate.

Q. How many days' work have you had?

A. Well, since the 1st of April we have only been averaging about one and two days a week.

Q. That means in the neighborhood of $5 or $10 a week?

A. Something like that, yes, sir.

Q. Now, how much were you earning when you were discharged from Republic Steel Corporation?

A. Well—

Q. Per day?

A. We got an hourly rate and also some tonnage down there.

Q. How much did that average, per day?

A. It averaged something over $5.

Q. Was that for a six or seven day week?

A. Oh, sometimes six, sometimes seven, when things were going pretty well we always worked Sunday, the shipping department, loading crew.

Q. Do you want your job back at Republic?

A. Yes, if I can get the same job back.

MR. LAUTER: That is all.

Cross Examination

Q. (By Mr. Day) You went out on strike on the 26th of May?

A. No, sir.

Q. What?

A. I was not here.

Q. You weren't here at all?

A. No, sir.

Q. Without telling us where you are working, you are working somewhere now?

A. Yes.

Q. Have you been on the picket line, at all?

A. No.

Q. You haven't done anything in the strike, at all?

A. (Witness shakes head.)

Q. Nothing?

A. Not a thing.

Q. Have you ever received any compensation from CIO or SWOC?

A. No, never.

Q. What?

A. Never.

Q. While you were working at Republic, did you talk Communism among the men, during working hours?

MR. LAUTER: Just one second.

TRIAL EXAMINER LINDSAY: Talk what?

MR. DAY: Communism.

MR. LAUTER: I object to that.

TRIAL EXAMINER LINDSAY: Oh, I sustain that objection, "communism".

MR. DAY: Let the record show, we think we have a right to show that he did talk communism during working hours.

TRIAL EXAMINER LINDSAY: Well, the objection is sustained. Let the record show an exception.

MR. DAY: Exception.

Q. Are you a communist?

A. No, sir.

MR. LAUTER: Object. One second. Just wait until I finish my objection. I object to this question as highly improper, and Mr. Day knows it is.

MR. DAY: I resent the statement that we know that it is improper.

TRIAL EXAMINER LINDSAY: We are not going to have any argument at all, the objection is sustained.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: Let the record show an exception had.

Q. (By Mr. Day) Did you talk CIO among the workmen at Republic during working hours?

A. No.

Q. You knew that there was a rule in Republic, while you were working there?

A. Yes, sir.

Q. Against making chalk drawings on the walls and the different places, didn't you?

A. Yes.

Q. Did you make chalk drawings on the wall at Republic, at various times?

A. I made—I put my check number on the wall during the time I was running for representative, I put my check number down there and my name, so that the men

could know it. That was permitted by the company.

Q. Is that all the chalk drawing you did?

A. That is all the chalk drawing I did, yes, sir.

Q. All the time you were at Republic?

A. Well, with the exception of writing my steel—writing heat numbers on steel, I have done a lot of that for Mr. Barrie.

Q. Now, you never drew any chalk pictures at all?

A. No, never.

Q. You stated you had a conversation with Mr. Wakefield and Captain Jones, I understood you to say July 27, 1936?

A. July 24th, I think that is the date.

Q. July 24th, all right.

A. It was the latter part of July, I believe it was the 24th.

Q. Yes, you joined CIO in June of 1936, is that right?

A Yes, correct.

Q. And you were a representative under the Employees Representative Plan?

A. Yes.

Q. From December, 1935, until the election held in the summer of 1936?

A. Yes, sir.

Q. And you are not quite certain as to when you ceased being or stopped being representative, is that right?

A. Well, it was at that election, I don't know, it was the early part of June, I would not know the date. Mr. Wakefield would know. The early part of June when we had the election.

Q. Was Alex Balint also a representative?

A. Well, I succeeded him.

Q. You succeeded him?

A. As an alternate, yes.

Q. In the conversation you had with Captain Jones

and Mr. Wakefield on July 24, 1936, where did that take place?

A. In one of the rooms up there at the main offices of the Republic Steel.

Q. Was anybody else there besides?

A. Just Captain Jones, Mr. Wakefield and myself.

Q. Anybody else?

A. No.

Q. By the way, have you ever asked to get your job back since the strike started?

A. The men have worked for me, that is the representatives have asked for my job.

Q. I mean, whether you did yourself?

A. No; I never asked. I was told I would never be rehired again.

Q. It does not matter what you were told. Did you ever ask for your job back?

A. No.

MR. LAUTER: I request that the witness be permitted to answer the last question.

TRIAL EXAMINER LINDSAY: I think the witness should be permitted to give his answer, if he has an answer.

Q. So there may be no misunderstanding about it, I ask you again, whether you yourself ever asked for your job back?

A. No, I did not.

MR. LAUTER: I will ask that the question be read so that the witness may complete his answer. I want the question which was—read it to this witness.

TRIAL EXAMINER LINDSAY: Read back two or three questions.

(Thereupon the record was read.)

MR. LAUTER: Do you want to add anything to your answer at that point?

TRIAL EXAMINER LINDSAY: Mr. Lauter,

you have a right to ask him on re-direct.

MR. LAUTER: I am going to request again that the witness not be interrupted when he is answering.

Q. Did you have more than one conversation with Mr. Jones and Mr. Wakefield?

A. That was the only one.

Q. You talked about having a conversation with Mr. Shriber?

A. Yes.

Q. About when was that?

A. Well, it was the early part of August, one or two days after I got back from my vacation.

Q. Where did it take place?

A. At the main office.

Q. Anybody there besides you and Mr. Shriber?

A. Mr. Zimmerman.

Q. Did you have more than one talk with Mr. Shriber?

A. That was the only one.

Q. Did you ever have a talk with Zimmerman when Shriber was not there?

A. Well, that same day, when we were going out of Shriber's office, Mr. Zimmerman asked me if I would not help him keep the Union out of there. He said, "You heard what Mr. Shriber said. There will be some good jobs down there and I am a superintendent and if you help us out down there, I will see that you get a good job."

Q. Was anybody else present besides you and Zimmerman? That is, at the time this took place?

A. No, just him and I. It happened in a hallway going out.

Q. Now in July and August, 1936, do you know whether or not Alex Balint also belonged to the C. I. O.?

A. Yes, he belonged to C. I. O., yes, sir. He told me he was a part time organizer.

Q. Part time organizer?

A. Yes.

Q. And when you told Captain Jones and Mr. Wakefield about the 24th of July, 1936, that you were neutral, you had really joined the C. I. O., hadn't you?

A. Yes.

Q. Do you know whether you had stopped being a member of the Representative Plan on the 24th of July when you had that talk with Jones and Mr. Wakefield?

A. Yes. My term as representative had terminated at that election; that was early in June.

Q. Then if you had ceased being a representative, it was very shortly before that talk, wasn't it, because the election was in June?

A. Yes, sir.

Q. You talked about some conversation with Mr. Robbins. When did you have your first talk with him?

A. Well, he was the one that fired me. That was August the 27th.

Q. Where did that take place?

A. Right in the yard, right near the sheet bar beds.

Q. Was anybody there besides you and Mr. Robbins?

A. There was a cop standing by walking around, close by.

Q. But he did not take part in the conversation?

A. No.

Q. Did you have a second talk with Mr. Robbins?

A. Yes.

Q. Where did that take place?

A. That happened down on Independence Road.

Q. About when was that?

A. I would not be able to state. It was about two or three days after I was discharged.

Q. Was anybody else there besides you and Mr. Robbins?

A. No one else was there.

Q. That was the time he said your work was God damned unsatisfactory?

A. No. He said that to me in the mill. He made that remark in the mill.

Q. Was that after that?

A. That was before this. That was the words he discharged me with.

Q. That took place in the first talk you had with Robbins?

A. Yes.

Q. Did Mr. Matchurik belong to the C. I. O.?

A. Yes.

Q. Did he at the time that you have been testifying about, in the summer, say, in July, August and September, 1936?

A. Yes; he belonged to the C. I. O. then.

Q. He was a member of the Representative Plan?

A. Yes, sir.

Q. Was he re-elected?

A. No. He was elected as a new man.

Q. Oh, he was elected as a new man?

A. Yes.

Q. At the June election in 1936?

A. Yes.

Q. And at the time this all took place, which we have minutes of, September 8th, 1936, Matchurik was a member of the C. I. O.?

A. He was a member at that time, yes.

Q. Was Mr. Sisk a member of the C. I. O.?

A. I don't know.

Q. Well, do you know whether he ever was a member of the C. I. O.?

A. I don't know that.

Q. Did Matchurik know that you belonged to the C. I. O.?

A. Matchurik, I suppose he did.

Q. When did you first tell Mr. Wakefield you belonged to the C. I. O.?

A. I never told Mr. Wakefield that.

Q. Did you ever tell Mr. Robbins that?

A. No, I didn't.

Q. You said you joined the C. I. O. in June of 1936. What lodge did you join?

A. I didn't join this lodge over here.

Q. What?

A. I joined the Otis Lodge.

Q. Oh, you joined the Otis Lodge?

A. Otis Lodge.

Q. While you were working for Republic?

A. Yes, sir.

Q. Were you an officer of that lodge at any time?

A. Yes, sir, just signed up and we were to be transferred over whenever—

Q. Were you transferred to any other lodge?

A. No, I was not.

Q. Did you ever join any other lodge?

A. No.

Q. By the way, you testified about going to see or somebody suggesting you go to see a man named Bozo Damish. Who is Bozo Damish?

A. I understand he is Regional Director of the C. I. O.

Q. He was at that time?

A. At that time, yes.

Q. Is he still Regional Director, do you know?

A. I don't know.

Q. Did you go to see him?

A. I went to see him, yes, sir.

Q. Did anybody go with you?

A. A fellow by the name of Frank Perry and John Exall.

Q. You testified that Alex Balint told you that you were going to be fired before you were fired, as you say, is that right?

A. Yes, sir.

Q. Was it before or after that that Alex Balint asked you to go and see Bozo Damish?

A. It was—will you please restate that question again? I didn't get it.

Q. Did Alex Balint tell you that you were going to be fired before Alex Balint asked you to go and see Bozo Damish?

A. Correct.

Q. I understand you to say that when Alex Balint suggested or said that you should go and see Bozo Damish you told him that if you did you would be fired?

A. Yes, sir.

MR. DAY: I think that is all.

Redirect Examination

Q. (By Mr. Lauter) You joined as a member of the Otis Lodge, is that correct?

A. Yes.

Q. That was some time in June?

A. Yes.

Q. Had the C. I. O. come into that plant, at that time?

A. Just about that time, I think.

Q. They came in some time around July 1st, 1936?

A. Yes.

Q. Did you automatically become a member of the C. I. O. when they took over that Otis Lodge?

A. No, I didn't become automatically, I would probably have to sign up in order to do that.

Q. Was not the Otis Lodge taken over by the C. I. O.?

A. I think it was.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

Courtroom No. 3, Cuyahoga County Courthouse, Cleveland, Ohio, Monday, August 30, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

JOHN T. LINDSAY, Trial Examiner

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., and Earl W. LeFever, Esq., Cleveland, Ohio, appearing for the Respondent, the Republic Steel Corporation.

PROCEEDINGS

JOHN PETAK

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Lauter) What is your name?
A. John Petak.

TRIAL EXAMINER LINDSAY: We will adjourn until 9:30 Monday morning.

(Whereupon, at 12:30 o'clock p. m., August 28,

1937, an adjournment was taken to 9:30 o'clock a. m., August 30, 1937.)

Q. Where do you live?

A. 3614 Broadway.

Q. Are you employed at Republic Steel Corporation plant in Cleveland?

A. I started for Corrigan-McKinney.

Q. When did you start?

A. 1925.

Q. In 1925? How long have you worked for Corrigan-McKinney?

A. I worked three times for Corrigan. I started in 1925, then resigned, then started again 1926 and resigned, and then I come back in 1928.

Q. Have you worked continuously since 1928?

A. Yes, sir.

Q. Until when?

A. To January 18th.

Q. 1937?

A. 1937.

Q. What happened then?

A. Well—

Q. Did you resign or were you discharged or laid off?

A. No, I was laid off.

Q. When did you join CIO?

A. July 1st or 2nd, I am not sure.

Q. What year?

A. 1936.

Q. Who is Mr. Tull?

A. Mr. Tull is the superintendent of the electrical department.

Q. Who is Mr. Gene Perry?

A. Gene Perry, he is the boss of the electrical department, crane boss.

Q. Now, did you have a conversation with Mr. Tull shortly after you joined CIO in July, 1936?

A. Yes, sir, I did.

Q. When did you have the conversation?

A. I had conversation with him two weeks, I think, after I joined the union.

Q. Where did you have the conversation with him?

A. Mr. Perry come over to my house and called me up, that Mr. Tull wanted to see me in his office.

Q. Did you want to go to Mr. Tull's office?

A. Yes, sir, I went with Mr. Perry to Mr. Tull's office.

Q. What happened then?

A. Well, Mr. Tull, he asked me—no, he says, "Why, John, I got your name and badge number here and I heard that you joined outside union."

Q. Do you know Mr. Balint?

A. Yes, I do.

Q. Who is Mr. Balint?

A. He is the organizer for CIO.

Q. Did Mr. Tull say anything about Mr. Balint?

A. Yes, he told me that he saw me—Mr. Paul Bowers, superintendent from the open hearth, he saw Mr. Balint, he goes in and goes out from my place.

Q. Did you say anything about whether or not you belonged to the union at that time?

A. I didn't tell him that I belonged to the union at that time, but I told him that if everybody joined the CIO, I will too.

Q. Now, after your conversation with Mr. Tull, did you get the same amount of work to do at the plant?

A. No, sir, I didn't.

Q. What happened?

A. Well, I worked three days, four days a week, five days a week, but the other fellows, they had five, six and seven days a week. I told the representative, Mr. Korecky,

to see about it. He went to see about it and he couldn't do anything for me.

Q. Has your house ever been watched?

A. Yes, sir.

Q. By whom?

A. By Company police. Even bosses come to the place.

Q. State when the house was watched.

A. My house was watched since the start of the organizing workers at the Corrigan-McKinney.

Q. When was that?

A. It was in July, June, August, until the strike.

Q. July and August of 1936?

A. Yes, sir.

Q. How long did they watch your house?

A. Pretty near every day.

Q. Did you make any complaint about it?

A. Sir?

Q. Did you make any complaint about the fact your house was being watched?

A. Yes. About two weeks after I was in Mr. Tull's office one Company policeman, he was outside my place and that day I went to work 3 o'clock, 3 to 11 turn, and this Company policeman he follow me right to the clock house. When I punch my card, he was look at my card and he was not say anything. Right after that I went to Mr. Tull's office and told him about it. Well, he took up telephone and he called up somebody, but nobody answered. Then he told me that he going to find out and he going to tell me all about it, but he never did.

Q. Well, were you watched after you complained to Mr. Tull about it?

A. Yes, by several Company's cops.

Q. Did you attend the meeting on January 13th at the Bohemian National Hall?

A. Yes, I did.

Q. Did you see any of the officials of the Company?

A. Yes.

Q. Whom did you see?

A. I went with Mr. Korecky, I went from my place to the meeting and outside of that door there was Captain Jones and another three, the same guys that he follow me to the clock office but I know him, I know him right away.

Q. The same mill policeman that followed you to the clock office?

A. Yes.

Q. Was that the meeting of January 13, 1937?

A. Yes; that was the meeting of January 13, 1937.

Q. Who is Sam Naletrich?

A. He worked on the same gang I did, the other turn.

Q. Do you recall January 18, 1937?

A. Yes.

Q. Did he come to your house?

A. Yes. He come to my house.

MR. DAY: Who is that?

MR. LAUTER: Sam Naletrich.

MR. DAY: What is his position?

MR. LAUTER: Employee of the Republic Steel.

MR. DAY: We object on the ground he has no authority to bind the Respondent. There is nothing to connect it with the Respondent, to show the Respondent had knowledge of it. Object to the whole conversation and any conversation in that regard.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. Mr. Sam Naletrich told me that Mr. Perry sent him to my house to call Mr. Perry on the phone.

Q. Who is Mr. Perry?

A. He is the boss from the electrical department and I try to get Mr. Perry on the phone but I couldn't. Nobody answered.

Then I had two days off and went to Mr. Perry's office. First I went to clock office and I find that my card

was not there on the rack. Well then, I went to Mr. Perry's office. I didn't find it there. Another boss by the name Anthony Morgan, he told me to go back to the gate and wait for Mr. Perry there.

Q. Who is Mr. Anthony Morgan?

A. He is my foreman.

Q. Go ahead.

A. Well, I went to the gate and I was waiting on the gate, about 9:30 in the morning and Mr. Perry came and he came right to me where I was sit down and I asked him, "Mr. Perry, what is it?" He said, "Why, John, we got to lay you off because you the youngest man in the gang." And I told him, "That is not so, because they got four youngest men on the same job."

Q. You say they have four younger men on the same job?

A. They have four younger men on the same job, yes, sir.

Q. Do you know their names?

A. Yes.

Q. Did you name them to Mr. Morgan Anthony?

A. Not Morgan Anthony, I mentioned them to Gene Perry.

Q. Who were the men whom you named to Gene Perry?

A. Phillip

MR. DAY: Take these names slower. What is that?

THE WITNESS: Phillip Birnichwitz.

Q. What was the first name?

A. Phillip. Mark Radovan, Walter Miller, and—

Q. Who else?

A. — and Arrow. I don't know his last name.

Q. Do you know what positions these men held?

A. Bull gang.

Q. Were you in the bull gang also?

A. Yes.

Q. Do you know what positions these men held before they joined the bull gang?

A. Mr. Miller was clerk in Perry's office and Arrow was, he was light man and clerk in Perry's office.

Q. What kind of a man?

A. Light man.

Q. What did Birnichwitz and Radovan do?

A. They was in the bull gang.

Q. They were younger men than you?

A. Radovan start 1930 in the bull gang and Phillip Birnichwitz, he start 1934.

Q. What did Mr. Perry say to you when you told him that there were four men in the gang who were younger than you?

A. Well, he told me these here two men, they were like pushers.

Q. Go ahead.

A. And he didn't say anything about the other two men. Well, then I asked him how about my seniority, so I says, "What about my seniority?" "Well,"—he showed me a list and he says, "your seniority is all right."

And I asked him how about my work. He say, "Everything is all right," only he claim that I am the youngest man in the gang.

Q. Did he promise to give you a job?

A. He promised me a job. He said, "You going to start," if I want a crane operator's job, he will give it to me. He says that there are going to train new men for new mill, crane operators. He says, "In a few days I going to call you up."

He had my telephone number and everything, and I told him, "That is all right." And I went out.

Q. Did he ever call you up?

A. He never did. I told him not, when I heard the janitor get the job as crane man, then I called up. I called

John Barrie up and I asked him whether he has got anything for me. He says that he don't have anything.

Q. Now, the janitor you just referred to was put on the bull gang?

A. After that he didn't operate the crane because he was too short and they put him in the bull gang.

Q. The bull gang is the gang that you were off, from which you had been discharged, is that right?

A. Yes, sir.

Q. Do you know whether or not they put any of the men on, from the bull gang?

A. They picked four men from the speed car and put them on the bull gang.

Q. Did the insurance nurse ever come to visit you?

A. Yes, sir, she came over, three weeks after I was off, she came over there to the place and asked me—

MR. DAY: I object to any conversation between this witness and the insurance man, for the reasons already stated in objections to previous questions.

TRIAL EXAMINER LINDSAY: Well, the objection is overruled, Mr. Day. Let the record show an exception.

MR. DAY: Exception.

A. She came over and asked me—asked for me, for my name. I told him I am there, and she wants to know why I don't work. She said, "You supposed to work, why don't you work?" I says, "Oh, Mr. Perry laid me off, I don't work when I was laid off." And she says that Mr. Wakefield, he said he wants to see me. Well, next day I went down there.

Q. Mr. Wakefield, the employment manager?

A. No, I think he is the—

Q. Management representative?

A. Manager for representatives, there.

Q. Go ahead.

A. Then next day I went down there, I saw Mr. Krause first.

Q. Mr. Krause, the employment manager?

A. Mr. George Krause, and he asked me, "John, what is the matter with you, why don't you work?"

Well, I told him, "Well, I was laid off, and Mr. Wakefield sent for me, he wants to see me." Well, he told me Mr. Wakefield is not here now and he isn't in, he won't be in for all week. Well, Mr. Krause then say, when I asked him for job, "How about job there, and how about job, can you give me job back?" He says, "Wait a minute, I will see."

He went inside and he didn't come back for an hour and a half and when he came back he didn't even want to talk to me or look on me. Then I left the place and went home.

Q. Did you try to get your job back?

A. Yes, sir, I did, I went three times after that, I went down there and he won't talk to me, he say, "Nothing doing."

Q. You filed a complaint with the National Labor Relations Board?

A. Sir?

Q. You filed complaint with the National Labor Relations Board?

A. Yes, I did.

Q. Subsequent to the filing of the complaint did Mr. Krause visit your home?

A. Yes, that was January 18th, I think, 1937, he come to my place.

Q. January or May? May 18th?

A. May, that is right.

Q. Go ahead.

A. May 18th he come to my place and he asked me if I want to go back to work. I say, "I want my job." He say, "General labor for a while." I say, "All right." Well, I went back to work next day.

Q. Went to work as a laborer?

A. General laborer.

MR. DAY: What was the date of that?

Q. May 18th?

A. That was.

Q. When is the date you went back to work?

A. I think that was it.

Q. May 18th was the date Mr. Krause came to your house, is that right?

A. Yes, I worked six days, much striking.

Q. You went back about May 20th, 19th or 20th?

A. 19th or 20th.

Q. And you went on strike on May 26th?

A. Yes, sir.

Q. How much did the labor job pay you?

A. 62 cents.

Q. And how much was your job, your previous job with the Republic paid?

A. Well, they had raised when—they had raised when I was out for a month.

Q. What were they paying?

A. My job was 60—59.

Q. 59 cents an hour?

A. Well, next raise we got it was 62 cents an hour.

Q. Was it ultimately raised to 74½ cents an hour?

A. Now they got 74½ cents an hour.

Q. From January 18th to May 18th had you done any work?

A. No, sir.

Q. Hadn't earned anything?

A. No.

Q. Do you want your job back with Republic?

A. Yes, sir.

MR. LAUTER: That's all.

Cross Examination

Q. (By Mr. Day) You went out on the strike on the 26th day of May?

A. Yes, sir.

Q. And you have been on the picket line since?

A. Yes.

Q. Right along?

A. Right along.

Q. Are you captain of the picket line?

A. Yes, sir.

Q. When were you on the picket line last? Yesterday?

A. Every day.

Q. You haven't asked for your job back since the strike, have you?

A. Yes, sir, I did.

Q. Since the strike?

A. Oh, not now, but since I was four months out.

Q. Yes, but you have not asked for your job since the strike?

A. No, not now.

Q. You joined the CIO in July, 1936?

A. Yes, sir.

Q. And you were laid off January, 1937?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. When was it you talked to Mr. Tull?

A. Right, I think it is right two weeks after I joined the union.

Q. And at that time you told Mr. Tull that if everybody joined the CIO, you would join it too, is that right?

A. Well, I didn't want to tell him that I did join the union, I was scared to tell him.

Q. Well, I know, but did you tell Mr. Tull at that time that if everybody joined the CIO, you would join the CIO too?

A. Yes, sir, I did.

Q. And you say that they started to watch your house in July or August?

A. Yes.

Q. Of 1936?

A. Yes.

Q. And you worked right along up until January, 1937?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. You say they watched your house every day?

A. Pretty near every day.

Q. Well, do you mean to say they watched your house every day?

A. Every day, somebody was there.

Q. For how long a time was somebody there?

A. Until the strike, even now the company has got a man come once in a while.

Q. How much time a day would a man spend watching your house?

A. Different times, different men.

Q. Well, how long would he stand there watching your house?

A. One day the fellow who was standing over there eight hours, eight hours he was watching the place.

Q. And were you inside watching him all the time? Did you see a man stand there eight hours, yourself?

A. Sure.

Q. Yourself?

A. Well, there was on the sidewalk and walking around, he come back again, walk around again.

Q. How many days did you see somebody watching your house eight hours a day?

A. That is only one man, he was eight hours one day over there.

Q. When you were laid off, there were other men laid off at the same time, weren't there?

A. Yes, sir.

Q. And you were a member of the bull gang?

A. Yes, sir.

Q. You were a bull gang helper?

A. Yes, sir.

Q. Do you remember whether or not they took off some gasoline locomotives at the time you were laid off?

A. They did.

Q. And you were told at the time that you were laid off, that you were one of the youngest men, is that right?

A. Yes, but I am not.

Q. Well, but you were told that you were?

A. They told me, yes, sir.

Q. Yes, and you were told that that was the reason why you were laid off, is that right?

A. That is what they say.

Q. That is, you were told that they were taking off gasoline locomotives and were laying off some men, and you were one of the youngest? That is what you were told?

A. Yes, sir.

Q. What did you do on the bull gang? What was your job?

A. Repairing the cranes.

Q. You were a repairman on the cranes?

A. Yes, sir.

Q. As a member of the bull gang? You went back to work on the 20th of May as a laborer, is that right?

A. Yes.

Q. And you were there until the strike started?

A. Yes, sir.

Q. You had a talk with George Krause, the employment man at the Republic?

A. Yes, right after the nurse was in my place.

Q. Fix the time as near as you can, do the best you can to fix the time when you had that talk with George Krause?

A. No, I can't, because I was four times there to see him.

Q. What?

A. Four times I went to see him.

Q. Did you talk to him four times?

A. No, sir, he didn't want to talk to me.

Q. Did you only talk to him once?

A. Only the first time he talked to me, but the next three times I was over there he didn't talk to me.

Q. Where did you talk to George Krause?

A. Right next day after the nurse was come to my place.

Q. Where did you talk to Krause? Where?

A. At the employment office.

Q. Employment office?

A. Yes.

Q. Was anybody else there besides you and Mr. Krause?

A. Yes, was a lot of men over there.

Q. Do you know any of them that were there?

A. No, sir.

Q. Can you fix the date as near as you can?

A. Well, another two times I went with a man named Frank Krall, we was together twice, we were down there. Mr. Krause didn't want to talk to me.

Q. But what I am trying to ask you, and if you do not understand me, let me know—I want you to fix the time, tell me as near as you can when it was you talked with Mr. Krause?

A. I think the last time I was there—

Q. No, I mean the time you talked to him, not the time you got there and didn't see him. I mean the time you did see him and talked to him, can you fix the month? Can you tell what month it was in?

A. I think that was three weeks when I was laid off.

Q. Three weeks when you were laid off?

A. I think that, I am not sure.

Q. You mentioned Mr. Wakefield's name, did you talk to Mr. Wakefield?

A. Mr. Krause told me that Mr. Wakefield, I can't see Mr. Wakefield because he is not in and he won't be in for a full week.

Q. Well, did you talk to Wakefield?

A. No, sir, I didn't.

Q. I see. When they took off the gas engines, they did away with your job, didn't they?

A. No, they put four men—they put four men in the bull gang from the—like you found—

Q. On different work?

A. In the bull gang—No, on the bull gang, they put four other men from speed cars, they call it speed car or service car.

Q. Well, they put the men back to work on a different kind of a car?

A. No, they didn't have no car.

Q. They laid off the gas locomotives, didn't they?

A. Yes, sir.

Q. And you had been working in connection with the gas locomotive, hadn't you?

A. I was in the bull gang.

MR. DAY: Well, we will show that in our own evidence.

MR. HOSKINS: Well, maybe I can show it now.

Redirect Examination

Q. (By Mr. Hoskins) You say they did not abolish your gang in the bull gang, when you were laid off?

A. They put another four men in my job.

Q. Even though they had laid off—you were in the bull gang?

A. The four from service car men, they got the four youngest men, started after I start. I started 1928 and they start different time, one in 1930, another in 1934.

Q. Did they take any men from the speed car men and put them on the bull gang?

A. Oh, yes.
Q. After you were laid off?
A. Yes.
MR. HOSKINS: That's all.

Recross Examination

Q. (By Mr. Day) There were eight men working in the gang on the locomotives?
A. I say that they put four men from the—
Q. Wait, there were eight men working on the gang on the locomotive, weren't there? And they were all laid off?
A. Well, they got a job after three days.
Q. But they were all laid off when they took the engines off, they were all laid off, weren't they?
MR. DAY: All right, that is all.

JOHN EXALL

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name, please?
A. John Exall.
Q. Where do you live?
A. 1516 East 47th.
Q. Mr. Exall, will you talk as loud as you can so that all of the gentlemen in the room may hear you? Have you ever worked for Republic Steel Corporation?
A. Yes, sir.
Q. When did you start to work there?
A. In the spring of 1933.

Q. In the spring of 1933?
A. Yes.
Q. What division was this?
A. (No response.)
Q. Was this at the Corrigan-McKinney Division?
A. This was at the Corrigan-McKinney Division.
Q. What is your job there?
A. Chipper.
Q. You were a chipper?
A. Yes.
Q. What mill?
A. Corrigan-McKinney.
Q. Is there a specific mill of the Corrigan-McKinney plant where you were employed?
A. No.
Q. How many chippers work down there, do you know?
A. Usually they have 400, 450 chippers.
Q. You say you went to work there in 1933?
A. Yes.
Q. How long did you work there?
A. The day when I got fired.
Q. When did you get fired?
A. January 14, 1937.
Q. January 14, 1937. Do you belong to the C. I. O., Mr. Exall?
A. Yes, sir.
Q. When did you join the C. I. O.?
A. July 2nd, 1936.
Q. Have you been quite active in the C. I. O.?
A. Yes, sir.
Q. Have you ever held any offices in the Lodge?
A. Yes. Treasurer, 1098.
Q. You are Treasurer of Lodge No. 1098?
A. Yes.

Q. While you were working in the mill, did you ever hear of the Employees Representation Plan?

A. Yes, sir.

Q. Were you ever a representative under it?

A. Yes, sir.

Q. What year?

A. 1936.

Q. 1936. What do you mean by that, what period?

A. Well, in June, 1936, I ran for representative and I missed the election by five or six votes.

Q. The election was held in June of each year, is that the custom?

A. Yes.

Q. You ran for election in June of 1936?

A. Yes.

Q. You say you missed by five or six votes?

A. Yes.

Q. What did that make you?

A. I was first alternate.

Q. You were the first alternate?

A. Yes, sir.

Q. Now, I would like to have you tell us as much as you can about the Employees Representation Plan, how it functions, what it accomplishes. This election was held in June of 1936, were the men permitted to campaign for that election?

A. I didn't hear you.

Q. Were the men who were running for office as representatives permitted to campaign about the mill, to go out and seek votes? What was the ordinary method of trying to get votes?

A. Usually we wrote our names and check numbers on slips of paper and distribute these slips of paper among the mill and hang them on the wall of the scrap bins and cans so the men would see them.

Q. You would write the numbers on the walls of the

scrap bins where they could be seen?

A. Usually we distribute these names on pieces of paper.

Q. This hanging of numbers on the walls of the scrap bin, was that done by nearly everyone who was running?

A. The men themselves, they pick out their man and they write his name wherever they could find a place.

Q. How many votes were cast that year, do you know?

A. How?

Q. How many votes did you have?

A. Well, I had 197 votes.

Q. You had 197 votes?

A. Yes.

Q. Was there any attempt made to stop your election that year?

A. Yes, sir.

Q. Will you tell us what you know about that?

A. Mr. Peters was the superintendent of that particular department and as soon as I decided to run he was telling the men not to vote for me.

Q. How do you know that?

A. Because I had several men come up to me and they told me so.

MR. DAY: I move that be stricken out if that is the source of his information.

TRIAL EXAMINER LINDSAY: Motion denied. Let the record show an exception.

Q. What were the reasons that were related to you by these men why Mr. Peters was speaking against your being elected?

MR. DAY: Same objections. Same grounds.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Did you understand my question? Did these men relate to you the reasons why Mr. Peters thought you should not be elected?

A. Yes, sir.

Q. What were those reasons?

A. They told me that Mr. Peters told them, "Don't vote for this man. He is a radical. He is a Communist. Even if he get elected, we going to fire him." And one day one man told Mr. Peters, "Never mind, he is a good man" and he said, "If you think he is a good man, then you are a Communist yourself." He said, "Never mind, I don't vote for him."

Q. Are these men permitted to vote or will you tell us the form of the voting there?

MR. DAY: I object to the leading questions. They have been leading right along.

MR. HOSKINS: I will withdraw that question.

TRIAL EXAMINER LINDSAY: Yes, they are leading.

Q. Will you describe the procedure of nominations and elections?

A. Several weeks before the nominations, Company usually put a notice upon the departments where are the names of those who were intended to vote. For instance, if you want vote for representative, they had a right to nominate 12 men, and the highest four, they would run for election.

Q. You stated this list designated those who had a right to vote. Do you mean by that that not everyone had a right to vote?

A. No, sir. Those who were not American citizens had no right to vote.

Q. Where was this list generally posted?

A. On the blackboard. They had a blackboard in the department.

MR. HOSKINS: Will you mark this for identification?

(Thereupon the document above referred to was marked Board's Exhibit No. 89 for identification.)

Q. I show you Board's Exhibit 89 for identification and ask you if that was a list similar to the ones that were posted?

A. Yes.

MR. HOSKINS: We offer this Board's Exhibit No. 89 in evidence.

MR. DAY: We object to it on the ground it has no relation to the charges set forth in the bill of complaint or any issue presented in this hearing.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception. Board's Exhibit 89 is received in evidence.

(Thereupon the document identified as Board's Exhibit No. 89 was received in evidence.)

Q. You were describing the procedure of nominations and elections, Mr. Exall. Will you continue on from there after the posting of the list?

A. A little before the nominations the Company posts a notice on the blackboards in each particular department announcing the day of nominations and I understand that each department nominates according to how many representatives they had. For instance, in the rolling mill, we have four representatives, we had a right to vote as many as 12 men for nominations and after nominations, polls were closed, and these 12 men were running for elections a week following.

Q. You say the number of representatives was based on the number of men who worked in the mill in each particular department?

A. Then out of 12 men, four were to be elected the following week.

Q. The election followed the nomination by one week?

A. A week after the nominations and four out of 12 were to be elected as representatives and the other ones stand in line as alternates.

Q. Will you describe the total procedure of how a man voted, that is where the voting booths were and how he voted and what time of the day he voted?

A. Yes. They had voting booths on Gate No. 1 by Dille Road where most of the workers go in the plant there.

Q. Was this inside or outside the gate?

A. Inside the gate.

Q. Can you fix the location for us a little more definitely at the Dille Road gate?

A. In the clock room where we punch our clock and also the Police Department have an office in there, too.

Q. Will you repeat what you just said after describing where the police were then, what did you say?

A. I said they have tablet, two or three men, which they had the names those who were eligible to vote. If you go in there to vote they ask you for your name.

MR. HOSKINS: Will the Reporter please read the answer?

(Answer read by the Reporter.)

A. And they look on the list to see if my name was there. They give you a ballot and then on the other side of the room they have two or three booths and there was a pencil and you mark the name or check number, whichever you want, see, for the man you want to vote for, and then you take the ballot back to the box. They had a box and you dropped the ballot in the box.

Q. The ballot box is right on the table where these men were, is that correct?

A. Yes. Or sometimes on the side of the booth.

Q. You say this was by the clock house, is that right? Is that where you punch your card when you come in and go out?

A. Yes, sir.

Q. Were you ever permitted to punch your card and

then vote or did you have to vote and then punch your card?

A. You can do it if you want to. Some of the men working daily, 7 to 3, the booths were open or you can vote after work if you want to. You can vote on your way out.

Q. How many hours a day were the booths kept open?

A. Well, I don't remember, but I think they were day and night, 24 hours.

Q. Now you stated that you lost the election by five votes?

A. Five or six.

Q. Did you subsequently become a representative?

A. How?

Q. Did you become a representative after that?

A. Yes, sir.

Q. Will you tell us how that came about?

A. Well, after the elections one of the newly elected representatives, Mr. Mike Roth, he resigned his post, because he had a better job in police force in the City of Cleveland and then I took his place because I was the first on the alternate.

Q. You became a representative in his place?

A. I became a representative about in the middle of July. I think it was.

Q. About the middle of July, would that be of 1936?

A. 1936.

Q. When was the first general meeting that you went to or the first meeting of representatives that you attended? Do you remember?

A. I don't remember the date.

Q. Would it have been the next regular meeting following that?

A. About.

Q. Now, before we get into the details of the working of the representative body, how did the men know who had been elected? Was there any published list?

A. Well, I understand from year to year under the representative plan they had different committees, and one of these committees they were holding the elections from year to year. When the time comes for election this committee is preparing the ballots and list of the names and everything else, and in other words, they were in charge of the whole thing.

Q. I do not think you understood my question, Mr. Exall. How would the results of the elections be announced?

A. Results, what you mean? Of a vote?

Q. Yes.

A. Well, personally I don't know, myself.

Q. Your answer there, you said, "Personally myself, I don't know"—what were your last words there?

A. I don't know how they counted the vote.

Q. You don't know how they counted the vote?

A. No.

Q. Who told the men who had been elected? How was that found out?

A. Well, after elections? A day or so they post notices in each department, stating, telling the workers who was their representatives, who their representatives are which were elected.

Q. They would post a notice in each department, is that it?

A. Each department.

Q. Mr. Exall, I show you Board's Exhibit for identification No. 90, and ask you if that is similar to the lists that were posted in your department, announcing the results of the election?

A. Correct, that is one.

MR. HOSKINS : I offer Board's Exhibit No. 90 into evidence.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 90 is received in evidence.

(The document above referred to was marked for identification as Board's Exhibit No. 90 and received in evidence.)

Q. Did the Employees Representation Plan, in which you have just testified you became a representative about the middle of July—did you have any printed by-laws?

A. Did they have what?

Q. Did they have what?

A. They had a book, yes.

Q. When were you given your copy of the by-laws?

A. The first meeting I ever attended.

Q. The first meeting you attended?

(The document above referred to was marked for identification as Board's Exhibit No. 91.)

Q. I show you Board's Exhibit for identification No. 91, and ask you if that is a copy of the by-laws that was presented to you at that first meeting?

A. That is correct.

MR. HOSKINS: I offer Board's Exhibit No. 91 into evidence.

MR. DAY: There is no objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 91 is received into evidence.

(The document previously marked for identification as Board's Exhibit No. 91 was received in evidence.)

Q. Mr. Exall, will you describe the procedure that was employed in the mill for the operation of the representative plan? That is, let's say one of the men you represented had a grievance, how would he carry it up?

A. Well, the way that works, if one man has any grievance he is supposed to take it up with his foreman first, and if he don't get no satisfaction, then he was coming

up to us, representatives, and the other men, we took it up with the foreman. If we don't get no satisfaction, we went up to the superintendent, the next higher up. But if we thought we didn't get satisfaction, then we went to Mr. Wakefield, management representative, and then if we still didn't get no satisfaction, from Mr. Wakefield, then we had a right to go to Mr. Carpenter, which was the district manager.

Q. You say you had the right to go to Mr. Carpenter after that?

A. Yes, sir.

Q. In the employees representation plan, how were the various representatives banded together? Did you have general meetings?

A. We had general meetings once every month.

Q. Once every month? Where would those meetings be held?

A. In the hospital building, on the company property.

Q. That is the company hospital building?

A. Yes.

Q. Would these grievances ever be presented to the General Body?

A. Yes.

Q. Tell us, if you will, the procedure whereby the grievance would be presented to the General Body?

A. Well, whatever grievances we had, after we worked through the legal procedure, foreman, superintendent, and so on, and we get no results, we bring it up to the General Body, and then we were passing resolutions or motions, asking the management and asking Mr. Carpenter to get—

Q. Now, these resolutions or motions that the General Body passed, what was their nature? By that, I mean, could you order a grievance to be corrected?

A. Sometimes we did, yes.

Q. You would order it? Would it be done when the General Body voted for it to be corrected?

A. How?

Q. Perhaps I have not made myself clear, on that. If a grievance went to the General Body, and the General Body thought that the grievance should be corrected, could they order that it be corrected?

A. No, sir, they have no authority to order.

Q. What could they do?

A. Well, they should request the management to correct the grievance.

Q. The most they could do would be to request the management to correct the grievance?

A. That is all.

Q. When would a grievance be put to the General Body? You have testified earlier that the representative would take it to the foreman and the superintendent? And to Mr. Wakefield, and even had the right to go to Mr. Carpenter, is that right?

A. Right.

Q. Now, whereabouts along the line would it go to the General Body?

A. Sometimes that takes two or three months.

Q. Yes, but after seeing how many men would the representative take it up with the General Body?

A. What you mean? I don't understand you.

Q. Well, you have stated that a single representative, I believe, could go as high as Mr. Carpenter, is that right?

A. Yes.

Q. Well, if Mr. Carpenter turned you down, then would you present it to the General Body? Or would you have presented it to the General Body before that?

A. No, I don't say that. We never go to Mr. Carpenter, single representative. We went as far as Mr. Wakefield, then we bring this grievance in before the General Body, and the General Body decides what they going to do.

Q. Now, how would you be notified of what the management was going to do, after the General Body had voted in favor of a particular grievance? You would take it up with the General Body, and they would vote to take it up

with the management, is that right?

A. Yes.

Q. How would the management report back to the Genera' Body?

A. Well, many times Mr. Carpenter calls us to his office in a special meeting and give us his answer yes or no.

Q. And on the other cases, how would it be done on the other occasions?

A. Well, a good many other cases Mr. Wakefield give us his decision it cannot be done, that is all.

Q. Did you ever carry any grievances on the way up, as a representative?

A. Not alone, myself. Together with the other representatives.

Q. Did you represent the burners?

A. In the furnace?

Q. Yes.

A. No, sir.

Q. The burners?

A. The burners?

Q. Yes, did you represent them?

A. Well, some of them, they were working in my department.

Q. Did you ever take a grievance up for them?

MR. DAY: Object to that on the ground immaterial and irrelevant, no bearing on any issue presented here.

TRIAL EXAMINER LINDSAY: Objection is overruled, let the record show an exception.

MR. DAY: Exception.

A. I worked for scarfers.

Q. Go ahead.

A. I took the grievance up for the scarfers, as they want me to take it up with Mr. Wakefield to supplying them with a suit, because they use these burners according to that they were burning out the shirts.

Q. They wanted you to take it up with Mr. Wakefield to get them a suit?

A. A suit, yes.

Q. And that was because the sparks would burn a hole in their shirts?

A. Yes.

Q. Yes; did you get the suits for them?

A. No.

MR. DAY: I object to all of this on the same ground already stated, this whole episode and transaction.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: This representative plan was brought out in the complaint, Mr. Day. They have a right to go into that particular question. The employees representative plan was alleged in the complaint, and they have a right to go into that type of evidence.

MR. DAY: I am not objecting to their going into it, but it seems to me that the results of specific complaints is not relevant to any issue presented here.

TRIAL EXAMINER LINDSAY: Well, the objection is overruled, let the record show the exception.

MR. DAY: All right, exception.

TRIAL EXAMINER LINDSAY: Go ahead.

(The last question and answer was read.)

A. I asked for a suit and Mr. Wakefield and another man, which I don't remember his name, was in charge of buying this material, they investigated the matter and they told me that the whole suit will cost $5.90, which was too much for the company to spend. But he says, "We will supply them with a sleeve." So instead of getting a suit for the men, I only got one sleeve to protect this one arm.

Q. How many representatives were there under the plan, Mr. Exall?

A. 16, I think.

Q. 16?

A. 16 departments.

Q You say you had one meeting of this General Body each month?

A. Each month, sometimes we had extra, special meetings too, but usually one meeting every month.

Q. Those, you testified, were held in the hospital building? What time of the day would they start?

A. Well, they would start around 9 o'clock in the morning.

Q. They started at 9 o'clock in the morning, and how late would they go, generally?

A. Well, it depends upon how much business we had to transact. Sometimes it lasted all day, and sometimes we would not finish our business in one day, we would continue the meeting for the next day, and usually we got paid for eight hours.

Q. Now, were there any committees under this General Body?

A. Yes, sir.

Q. How many, do you know?

A. Well, I have forgotten how many.

Q. Were you a member of any of the committees?

A. I was a member of the Health and Sanitation Committee.

Q. How often would this Health and Sanitation Committee meet?

A. Once every month.

Q. They would meet once every month also? And where would it meet?

A. Same place.

Q. That is, you mean—

A. Hospital building.

Q. Hospital building?

A. Correct.

Q. How long would their meetings generally last?

A. Three hours, four hours, sometimes.

Q. Well, now would you explain to the Examiner the procedure whereby the representative went to this meeting? Did you have a meeting of either the General Body or the sanitation committee, of which you were a member, you stated, I believe they were called for 9 o'clock, is that right?

A. Yes.

Q. If you were working on the day turn that day, how would you go to the meeting?

A. Well, if you started to work at 7 o'clock in the morning, about 8 o'clock you told your foreman that you have to go up to the meeting, and he let you go. You be in the meeting all day.

Q. And you ring your card out, when you went out?

A. Well, when you go you ring your card, yes.

Q. When you go into work in the morning?

A. When you go into work in the morning.

Q. Did you ring it out, when you went into the meeting?

A. When you went out?

Q. When you went to the meeting, would you ring your card out?

A. Yes.

Q. Then you could go out to the meeting, and you said that sometimes the meetings would carry over until the next day?

A. They do.

Q. How would you do? Would you repeat the same procedure, next morning?

A. The same procedure.

Q. Was that same procedure, too, for each committee, as well as for the General Body? That is, by that I mean,

would you go to the meeting of the Sanitation Committee in exactly the same way?

A. Sure, same way.

Q. Referring for a moment to Board's Exhibit No. 91, Section 5, Paragraph 6 provides: "When representatives attend regular or special meetings of any Committee, as arranged for by the Chairmen of the various Committees and the management's representative, they shall receive from the Company payment commensurate with their respective average earnings for the time necessarily occupied through actual attendance." Will you explain to us how that was arrived at? I mean, how they paid for the time that you spent in attendance at these meetings, how it was computed?

A. We supposed to get pay for the time we spend in the meetings for the same amount we were making on the job. For instance job pay 60 cents an hour, that time we spend in the meetings, they will pay us the same amount of money, 60 cents an hour. They pay us in several ways. They do not put that money in the pay envelope. They give us a separate check once a month.

Q. What happened if a man would work on the afternoon or night turn on the day a meeting was called?

A. That means he was paid both ways. He was paid for the day he was attending the meeting. Suppose a meeting starts at 9 o'clock in the morning until 5, he gets eight hours. If he wants to go to work that same day at 11 o'clock at night, he gets paid for his work, too.

Q. Your regular work, was it on a straight rate or did you have a tonnage rate of pay on your regular work as chipper?

A. Yes, we had a day rate and then we work under a bonus system.

Q. You worked under a bonus system?

A. Yes.

Q. Would the pay for your time as a representative

be for the same amount you would have earned as a bonus?

A. I don't know.

Q. You don't know on that. All right. Did you ever keep track at all of the amount of money you got for attending representative meetings and compare it with what you were earning in the mill?

A. Several times I try to keep track how many times I spend in these meetings and I find out we were getting more pay than we were entitled to. They was paying us more than we had coming.

Q. You were getting more for which, for your regular work or for attendance at the meetings?

A. For the attendance at the meetings.

Q. Now you say they paid you differently for the time, I mean by that, a different means of paying you for the time you spent on representative work. Did they pay you by check or cash?

A. By check.

Q. That is, it was a separate check from your regular payroll, from your regular working pay, I should say?

A. Yes.

Q. When was the last check you got for working as a representative, do you remember?

A. They mail that check for me right after they fire me from the plant. They sent it to me by the mail at home.

MR. HOSKINS: Will you mark this please?

(Thereupon the document above referred to was marked Board's Exhibit No. 92 for identification.)

Q. I show you Board's Exhibit No. 92 for identification, which is a letter on the Republic Steel Corporation letterhead addressed to you. Will you identify that letter for us, please?

A. Yes.

Q. Will you tell the Examiner what that letter is?

A. This letter was sent to me that time after I got discharged from the plant and I had a little money coming, I had time in from Employees Representation Plan

and they sent me the fina' check for whatever I have coming.

Q. The final check was with this letter?

A. Yes, sir.

MR. HOSKINS: I offer Board's Exhibit No. 92 for identification in evidence. I would like to note for the record that that exhibit consists of a letter on Republic Steel Corporation stationery with an envelope attached to it.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 92 is received in evidence.

MR. DAY: What is the date of the letter?

MR. HOSKINS: January 19, 1937.

(Thereupon the document previously marked as Board's Exhibit No. 92 was received in evidence.)

Q. Mr. Exall, this letter is signed by C. A. Broberg, it looks like to me, Works Accountant. Do you know who he is?

A. No, sir, I don't know.

Q. Is that the first time you have seen his signature, when you received this letter?

A. Yes, sir.

Q. Who would you ordinarily get your checks from for representative work?

A. From Mr. Wakefield, we would get our checks from his office, he would call us up there and pass them out.

Q. Where would you get your regular pay check, the money you received for working as a chipper, where were you going to get that?

A. The paymaster on the plant, on the pay days, they have a special room over there for distribute the checks to the men.

Q. For your regular pay you would go to the paymaster, for your representative pay you would go to Mr. Wakefield, is that right? A. Yes.

MR. HOSKINS: Did you want any further inquiry on that statement, Mr. Examiner?

TRIAL EXAMINER LINDSAY: No.

Q. I believe you have testified that there were 16 representatives in the plant, that you held regular meetings, one at least each month and sometimes special meetings in the hospital building?

A. Correct.

Q. Who else would attend, if anybody, besides the 16 elected representatives?

A. Mr. Wakefield was attending the meetings, also Al Frick.

Q. Who is Mr. Al Frick?

A. Al Frick is supposed to be stenographer or something. He was taking the minutes.

Q. Was he the elected Secretary of this body?

A. No, sir.

Q. Do you know where he worked in the mill?

A. He was working in Mr. Wakefield's office.

Q. And you say he would take down the minutes of the meetings?

A. Yes, sir.

Q. Were these minutes ever published and copies of them given to you?

A. Yes, sir.

Q. Will you tell us how they did that? How did you get your copies?

A. Well, in the first place, when I began to attend these meetings, right after, several days after the meeting, they sent two or three extra copies to each representative with one of the mail boys. When we get these copies, we go to the blackboard and post them on the blackboard.

TRIAL EXAMINER LINDSAY: We will have a short recess. It is 10 minutes of 11.

(Recess.)

MR. HOSKINS: May I have the last question and answer read?

(Previous question and answer read by the Reporter.)

MR. HOSKINS: I should like to have these three papers marked for identification, separate exhibits, please.

(Thereupon the documents above referred to were marked Board's Exhibits Nos. 93, 94 and 95 for identification.)

Q. I show you Board's Exhibits 93, 94 and 95 for identification and ask you if these wese copies of the minutes that were supplied to you as a representative through the Company mail, as you have testified?

A. Correct.

MR. HOSKINS: I offer Board's Exhibits Nos. 93, 94 and 95 in evidence.

MR. DAY: We would like to object to each of them upon the ground that they have no bearing on any issue presented in this hearing, incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception. Board's Exhibits 93, 94 and 95 received in evidence.

(Thereupon the documents previously marked as Board's Exhibits Nos. 93, 94 and 95 were received in evidence.)

Q. Do you know George Troyanovich?

A. Yes, sir.

Q. Were you his representative?

A. Yes, sir.

Q. Were you his representative at the time he was discharged?

A. What?

Q. Were you his representative at the time he was discharged?

A. Yes, sir.

Q. Did he come to you as his representative about his case?

A. Yes, sir.

Q. Will you tell the Examiner about his coming to you, what you did as his representative?

MR. DAY: We object.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Object for the reasons already stated to similar questions on similar subjects.

MR. HOSKINS: Is the record clear?

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. HOSKINS: Miss Reporter, will you please read my last question?

(Previous question read by the Reporter.)

Q. Did you understand my last question?

A. No, repeat it again.

Q. Well, if you will, tell the details, when and where he saw you, what did he have to say, what you did as his representative?

A. On August 26th or 27th, the latter part of August, Mr. Troyanovich is fired. He came over to my house with two more representatives from the same department, which I was represent.

Q. Do you know who these other two representatives were?

A. Yes, sir.

Q. Who?

A. Tony Matchurik and Harold Sisk.

Q. Go ahead.

A. He came over to my house and George Troyanovich was with them and they told me about George Troyanovich got fired. So I went with them and we went right in the plant. We talk to Mr. Wakefield first and Mr. Wakefield said he didn't know about the case, so then we went to Mr. Robbins.

Q. Who is Mr. Robbins?

A. I understand Mr. Robbins was George Troyanovich's boss or chief chipper or something like that. We spoke to Mr. Robbins and he told us that George, he was not faithful. He was try to tell us he was good boss, he say he is his friend, during the years he worked for Corrigan-McKinney he fire only a few workers, he had always treat George right, and he was not faithful to him, and he had to fire him. We asked him what he meant by that, George was not faithful to him, and he said another man turned him in to me; he gave us the name of the other man.

Q. What was his name?

A. Charlie Barrie. So after we talk to Mr. Robbins, we call a special meeting.

Q. You say you called a special meeting, you mean of the Employees Representatives?

A. We called a special meeting of the Employees Representatives, we call a special meeting and we call Mr. Robbins in that meeting and also the other man, I forget his name, he was higher up, superintendent.

Q. You called Mr. Robbins and the superintendent into this special meeting?

A. Mr. Zimmerman, I think is the other man's name.

Q. And he was superintendent?

A. I think he was superintendent of the department.

Q. All right.

A. We called him before the meeting and in that particular meeting they don't give us no satisfaction, they give us almost the same story that George, he was not faithful worker, and they treat him nice and all that, and they give us the same man's name that turned George in. So at that meeting we elected a Committee of Five to meet this man, Charlie Barrie, to get the story why he turn George into Mr. Robbins. So we elected Committee of Five Men. I was among the five men.

Q. Who were the other four men?

A. James Bradley, Tony Matchurik, Harold Sisk, myself, and Mr. Korecky.

Q. Each of these men that you have mentioned was a duly elected representative, is that right?

A. Yes, sir.

Q. And this Committee was appointed by the general body of the Employees Representation Plan?

A. Correct.

Q. All right. What did the Committee do?

A. Well, we find out this man was working nights from 11 to 7.

Q. By this man, do you mean Mr. Barrie?

A. Mr. Barrie.

Q. All right.

A. So it was the duty of the Committee to go into the plant at midnight, about 11 o'clock, to meet this man. So the same night we went in the plant and met Mr. Barrie and told him who we were and what we want and he said, "I am not officially notified to talk about this case." And he refused to talk. Well, after we told him we would take that night, he was going to lose some sleep the next day, because we going to call another meeting and we going to have him down before the general body to tell his story, then he change his mind and start to talk.

MR. DAY: Object to this conversation for the reasons already stated.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. He said he was told to watch George two months ago.

Q. By George, you mean George Troyanovich?

A. George Troyanovich. He was told to watch George about two months ago and we asked him who told him to watch him and he said, "My superiors." And we asked him what he knows about George after he watched him for two months. Well, he said, every time that George had nothing to do in his spare time, there was

always a group of men, five, six, stand together and they talk together but every time he gets near enough to hear what they was talking about they ceased talking or sometimes they speak a foreign language, which he don't understand, and then we asked him what they were talking about and he haid, "I don't know." Then, "Why did you turn the man in?" "Well," he said, "I was suspecting that the man was talking about the Union and also about Communism."

Then after we talk again, we ask him if he hears anything about unionism and also about communism, he says, "No."

MR. DAY: Who does he say said "unionism and communism"? Barrie?

(The record read.)

Q. Will you go back and repeat what you were saying to Mr. Barrie? I believe you asked him what he had found out when he listened in on these conversations. Will you carry on from there again?

A. When we went to see Mr. Charlie Barrie.

Q. You have testified to quite a bit of conversation with Charlie Barrie. Will you take it up when you asked him what he found out, when he listened in on these conversations?

A. Well, he told us that he don't listen to nothing, but he was suspecting them, he turned the men in on suspicion.

Q. Well, what did you all say to him?

A. Then we told him if he got no evidence, no proof against the man, that he only turned the man in on suspicion.

Q. He admitted to you that he had turned the men in only on suspicion?

MR. DAY: I object to that kind of a question; it just repeats the answer and puts a conclusion in it.

TRIAL EXAMINER LINDSAY: I am sure the

attorney is not doing it for any purpose only to clear the record on that. Try to refrain from it.

MR. DAY: The record will be about half as long, if he don't repeat the answer.

Q. All right, will you carry on, Mr. Exall?

A. Then we took his report to the General Meeting again and our report shows that we do not find no evidence against this George Troyanovich.

Q. When did you go back to the General Body or General Committee with your report?

A. Well, really I don't remember if we had another special meeting or if we had to wait for our regular meeting.

Q. Very well.

A. I don't remember, but anyhow, when the general committee met again, we went before it with our report and we passed a resolution unanimously demanding or requesting Mr. Carpenter to reinstate him. That resolution was passed unanimously.

Q. It was passed unanimously?

A. Yes.

Q. And what happened next?

A. Well, on September 14th—

Q. No, I mean concerning—is this concerning Mr. Troyanovich?

A. How?

Q. What did the management do, when you requested by unanimous vote that he be reinstated?

A. Mr. Carpenter called us into his office.

Q. This was at a regular meeting, or special meeting, you don't remember which, of the General Body, that this unanimous resolution was passed?

A. Yes, sir.

Q. I show you board's Exhibit 88, the third full paragraph down, refers to the fact that regular order of business was suspended and Mr. Troyanovich's case was brought up. I ask you if that is a copy of the regular

minutes which were furnished you of that meeting of representatives?

A. Yes, sir.

Q. Does that paragraph correctly express the activity of the General Body in connection with Mr. Troyanovich's discharge?

A. Correct.

Q. Now, you were stating something about September 14th, and what happened on that date.

A. On September 14th Mr. Carpenter called me up to his office.

Q. Where were you when he called you to his office?

A. That day we had a meeting of the Health and Sanitation Committee.

Q. Was this a regular meeting of the Health and Sanitation Committee?

A. It was an inspection meeting, we was supposed to inspect the plant. I think it was one of our regular meetings. I am not very sure about that.

Q. Had you been notified of the meeting in advance?

A. Yes, sir.

Q. How were you notified?

A. Why, they sent up a letter a day or two days—the chairman of each committee sent us a letter a day or two before our meeting.

(The document above referred to was marked as Board's Exhibit No. 96 for identification.)

Q. Mr. Exall, I show you Board's Exhibit for identification No. 96, and ask you if that is copy of the letter you got announcing a meeting of the Sanitation Committee?

A. Correct.

MR. HOSKINS: I offer Board's Exhibit 96 in evidence.

MR. DAY: We object to it on the ground immaterial. We cannot see that it has any bearing on this.

TRIAL EXAMINER LINDSAY: The objection is overruled. The record may show an exception. Board's Exhibit 96 received in evidence.

MR. DAY: Exception.

(The document previously marked for identification as Board's Exhibit 96 was received in evidence.)

Q. I believe you have stated that you were in attendance at this meeting of the Sanitation Committee when Mr. Carpenter sent for you?

A. We were on an inspection tour of the plant on the west side, one of Mr. Wakefield's clerks by the name of Andy, I don't know his last name, he came over where we were inspecting the plant and he told me that Mr. Carpenter wants to see me right away. So I left the rest of the committee and went over to Mr. Carpenter's office.

Q. What took place when you got to Mr. Carpenter's office?

A. When I got to Mr. Carpenter's office, the first thing he asked me, he says, "Exall, do you care to work any longer for us?"

MR. DAY: When was this?

MR. HOSKINS: September 14.

A. I says "Why, Mr. Carpenter," I says, "if I didn't want to work, I quit."

Then he says, "What the God-damn Hell," he says, "are you raising hell about George Troyanovich? We fired him and when we fire him we never take him back, either." He say, "You know, he was a communist."

I says, "No, sir." Then he asked me if I am a communist, I says, "No, sir." He asked me if I know anything about communism and I says, "A little bit, what I read in the newspapers about it."

Then he gives me a lecture about what the communists are. Well, I don't say nothing, then.

Then he asked me how many kids I have, and I said four. He asked me how old are they, I told him that the oldest one is 14 years old, went in high school. He said,

"We help you to educate your kids," and I said, "I hope my kids will get good education, because I didn't have no chance to educate myself."

Then he says, "You know the others what help us in this critical times, no doubt we never forgive them. Suppose there is a chance for you to become a chipper foreman." And I told him, "Mr. Carpenter," I said, "Mr. Carpenter, as long as I represent here, I decline the proposition. If the company thinks that I am good enough to become a chipper foreman, when my turn is over, I will think it over."

And he got sore a little bit on account of my answer, and he says, "You don't fool anybody," he says, "we know you. We know all about you, and we got the goods on you, too," and he got up and I got up at the same time and I says, "Mr. Carpenter, you ain't got anything on me." I says, "Any proof you got on me, lay your proof on the table and I will admit my mistake," but he says, "go on now," he says, "next time I call you here I am going to have the proof." I say, "All right," and then I left.

Q. I believe you stated his opening question was, in substance, "Why are you interested in George Troyanovich?" I believe you quoted his opening question to you in substance as "Why are you interested in George Troyanovich?" Is that right?

A. Yes.

Q. Did you make any reply to that question?

A. I did.

Q. What did you tell him?

A. I told him if he wants to know why I raise hell about George Troyanovich, I told him I simply done my duty because I was his representative, and it was my duty to fight for George Troyanovich and I was going to fight to the limit.

Q. Did that about conclude the conversation in the office?

A. Yes, sir.

Q. As a representative, Mr. Exall, did you ever attend any banquets?

A. I did.

Q. When?

A. I don't remember the date. It was around October, I think it was.

Q. That is October of what year?

A. 1936.

Q. Where was this banquet held?

A. Cleveland Hotel.

Q. Who gave the banquet?

A. Mr. Wakefield.

Q. Now, who all attended this banquet?

A. All Employees Representatives including Mr. Wakefield and Mr. Shriber, I think it is.

Q. Do you know what Mr. Shriber does at the mill?

A. No; but I understand some kind of a big shot in the mill, I don't know what his duties are.

Q. Was there anybody else there who was an employee representative? A. Yes, sir.

Q. Did anyone speak at this banquet?

A. Yes, sir. Mr. Wakefield.

Q. Who?

A. Mr. Wakefield.

Q. What did Mr. Wakefield have to say?

A. Well, after we got through eating, Mr. Wakefield said our main job is to keep C. I. O. out of the plant. After he praised the Employees Representation Plan, how nice plan it was, and he said he will need the help of employees representatives to keep the C. I. O. men out of the plant and all that.

Q. After this banquet did you have any other conversation with Mr. Wakefield about the Union?

A. Yes, I had after that banquet.

Q. When?

A. Well, week after or couple of weeks after. I don't really remember the time.

MR. DAY: Will you fix the date?

MR. HOSKINS: As near as he can fix it, Mr. Day, was some time in October.

TRIAL EXAMINER LINDSAY: What was the date of this banquet?

MR. HOSKINS: The nearest the witness could fix it, Mr. Examiner, was some time in October.

TRIAL EXAMINER LINDSAY: What year?

MR. HOSKINS: 1936.

TRIAL EXAMINER LINDSAY: All right.

Q. You say this was a week or so after that banquet that you talked to Mr. Wakefield again?

A. Yes, sir.

Q. Whereabouts did that conversation take place?

A. In Mr. Wakefield's office.

Q. Were you called to his office?

A. How?

Q. Did he call you to his office?

A. Yes, sir.

Q. Will you tell the Examiner what happened when you got there?

A. Well, Mr. Wakefield, he told me he needs my help. He wants me to tell my men in the chipping department to stay away from C. I. O. and he offers me a proposition where I can work daylight all the time, so I can see all of the men come in from different shifts, and also he offers me a proposition where, if I want to spend some of my spare time after work to visit these men on the houses and tell the men not to join the C. I. O., he was glad to pay me for my work, and I told him I won't do that, what the mans going thing about me, I said, "I don't care to take the job. I don't want it."

Q. Was there any other conversation?

A. Well, he went through my private affairs like Mr. Carpenter. how many kids I had and all like that, he offer me almost same propo sition.

Q. What do you mean by the same proposition?

A. Why they going to help me to educate my kids.
Q. Did you turn that offer down?
A. Yes.
Q. Do you know Manuel Garcia?
A. Yes.
Q. Did you ever attend a C. I. O. meeting at his house?
A. Yes, sir.
Q. When?
A. That was around October, But I don't remember the date.
Q. Around October of 1936?
A. Yes, sir.
Q. Was anything said to you about having attended that meeting?
A. Yes, sir.
Q. And—
MR. DAY: By whom and when?
MR. HOSKINS: We will fix that, Mr. Day.
Q. There was something said?
A. Yes.
Q. By whom?
A. Mr. Wakefield sends John May over to my house.
Q. Who was John May?
A. He was chairman of the Employee Representation Plan.
Q. What day did he come to your house?
A. Monday morning.
Q. How long after the meeting was that?
A. The next day after the meeting.
Q. The meeting was on Sunday?
A. The meeting was on Sunday.
Q. What did Mr. May have to say when he came to your house?
A. I was sick that time from Saturday, I didn't work Saturday and Sunday and Monday also and he came over to the house and he told me Mr. Wakefield sent him over to see me and talk to me like a father. I said, "What?" He

said, "They know where you have been yesterday, with whom you met and how long you stayed." I said, "What are you talking about? I am a sick man. I was no place yesterday. I stay home." Then he mentioned Garcia's name and also the number of the house where we met and I told him, I says, "What am I doing outside of the plant I think it is my own private affairs. They haven't got no business to follow me around and spy me with whom I meet or with whom I talk." "Well," he says, "you know you are representative and it don't look so good for the Company for our representatives to run around with C. I. O. organizers." So he said, "Mr. Wakefield send me over here to tell me to tell you to watch your step." I said all right, and then he left.

Q. Was anything else said to you by anyone else about that meeting?

A. Yes, when I went back to work Mr. Wakefield called me up to his office and he asked me if John May was over to the house and I says yes. "Well," he says, "what do you think about it?" I told him Mr. Wakefield I think I got a right to go any place I want. What I am doing is my own affairs. He said, "Yes, but it don't look good on the part of the Company. You cannot work both ways. If you want to work with C. I. O., resign your position here." I said, "Why should I resign my position?" He said, "You cannot work both ways." I argue with Mr. Wakefield that I don't have to resign and "Well," he said, "you don't give the co-operation." I said, "If I don't give you satisfactory co-operation, why don't you fire me?" He said, "Don't worry, if you don't watch your step, you going to get fired."

Q. Was that the limit of the conversation?

A. Yes.

Q. Was this Manuel Garcia at whose house this meeting was, working in the mill?

A. He was working in the mill.

Q. Did he continue to work there?

MR. DAY: I object to that.

A. No, he got fired the next day.

MR. HOSKINS: Just a minute.

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. (By Mr. Hoskins) You say he was fired?

A. Yes. We was at his house Sunday. He got fired the next day, Monday.

Q. How long did he work there?

MR. DAY: I object to anything on the subject of Garcia on the part of this man. It would be hearsay at the best.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. I don't know how long he was working for Republic but he told me he was on the job chipper for 16 years.

MR. DAY: Object to what he told him on the grounds it is hearsay, incompetent, irrelevant, and immaterial.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Mr. Exall, did you attend a meeting in Youngstown?

A. Yes, sir.

Q. In November of Employees Representatives of Ohio?

A. Yes, sir.

Q. When did you first hear about that meeting?

A. They mail us a letter each representative from Youngstown telling us about this meeting and in one of our regular meetings in the Employees Representation Plan we took it up. Some of us gets the letters, we showed the letters in the meeting and Mr. Wakefield was there and he told us that we have not got no right to go to Youngstown to represent the Republic Steel workers but if anybody wants to go individually, he can go.

Q. Who told you that?

A. Mr. Wakefield.

Q. Did you go?

A. I went.

Q. Will you tell us the circumstances about your going?

A. Well, I didn't know that I was going to Youngstown due to the fact that I had no car to go there until 2 o'clock in the afternoon. It was Sunday, I was getting ready to go to work, I was supposed to work from 3 to 11 that day, and another representative sent me word I should not go to work because we going to Youngstown, and I didn't went to work, and after 4 o'clock he came around in his car and we went over to Youngstown.

Q. Did you see any other representatives at this meeting when you got there?

A. Yes; there was four of my representatives around this meeting. They were there before we got through.

Q. Who were they?

A. Harry Graham and Mike Kosco.

Q. K-o-s-c-o, is that right?

A. I suppose, Mike Kosco.

Q. Did anything unusual happen when you returned to work?

A. How?

Q. The next day when you returned to work, did anything unusual happen?

A. Yes, sir.

Q. Will you tell the Examiner what happened?

A. The next day when I returned to work, 3 o'clock, George Bellew—

Q. George?

A. Bellew.

Q. That is B-e-l-l-e-w. Who is George Bellew?

A. He was my foreman in the chipping department.

Q. What did Mr. Bellew say?

A. Chipping foreman or superintendent.

Q. All right. What did he do or say?

A. He asked me where I been yesterday. I told him I say I went to Youngstown in this Representatives Conference meeting. He says, "Did you ask your foreman?" And I said no. "Well," he said, "one week off." I says, "What do you mean, you lay me off for a week?" He said, "Yes, because you don't ask your foreman." I said, "George, how can you do that? Before I take days off without asking anybody and I was not even warned to this effect." He said, "I don't care. This time I am going to give you one week off." I said, "All right, I am going to see Mr. Wakefield, what he say about that." He said, "Oh, I don't care. One week off."

When I went to Mr. Wakefield's office and I told Mr. Wakefield, "You know where I have been yesterday. Everybody else knows where I have been, and when I come back to work today Mr. George Bellew lay me off for a week." He said, "Well, I don't want to interfere with superintendent's orders. If he give you a week off, take it. I cannot do nothing for you." So I told him, "Why some of the men they lay off as much as me and they come back to work, nothing happened. They don't lay off nobody for missing a day or so. Why do you treat me the way?" I felt I was discriminate about it and I told him I was going to call a special meeting. "You going to call a special meeting?" He says, "What the hell, who are you? I call a special meeting."

Q. Who was it that said that?

A. Mr. Wakefield. He said, "I call a special meeting." I said, "You call a special meeting?" And he said "Yes, meeting, general meeting." I said, "What the powers we have as representative?" He said, "Never mind, nothing doing, no special meeting on that." I said, "I am going to call up John May and see what he has got to say."

So I went in the next room and I called up John May on the telephone and I got him on the telephone and he asked me what is happen to me and he said, "Did you talk

to Mr. Wakefield?" I said, "Yes." He said, "What did he say?" I said, "He don't want to call special meeting." He said, "I cannot do nothing if they don't want to call a special meeting." I said, "Then you and I are nothing in Company's Representative Plan. Mr. Wakefield is everything." He said, "Well, John, I am sorry, I cannot do nothing for you."

Then I went back to Mr. Wakefield's office and I asked him, I said, "all right. I will take the week off with a smile but due to the fact I am representative I have a right to come in the plant any time to take up claims for my men." I said, "I am going to come in the plant a couple of hours every day to take up complaints." He said, "No, you cannot do that either. There is three more representatives from your department and if your men has any complaints, they should take it up with them." He said, "You haven't got no right to step your foot in the plant while you been out for a week."

So there was nothing else for me to do except go out for a week.

Q. Did you come back at the end of a week?

A. Yes, sir.

Q. Going back for a moment, you told Mr. Bellew you had taken time off before without asking permission. Can you approximate how many days you had taken off without asking permission?

A. I dare to say in the four years I worked for Republic Steel I had not more than 12 days off.

Q. You say two days?

TRIAL EXAMINER LINDSAY: 12.

A. 10 or 12.

Q. 10 or 12 days off?

A. Yes, sir.

Q. You say you took some of these days without asking permission?

A. Yes, sir.

Q. Were you ever reprimanded for having taken them?

A. No, sir.

Q. Was anything ever said to you about it?

A. No, sir, nothing.

Q. Do you know Captain Jones?

A. Yes, sir.

Q. Who is Captain Jones?

A. He is head of the police force for Republic Steel.

Q. Did he ever have anything to say to you about your activities?

A. Yes, sir.

Q. When was that?

A. It was the first part of January and I think it was January the 5th when I was called in Mr. Wakefield's office. So when I got in there these gentlemen are in Mr. Wakefield's office and Mr. Wakefield ask me if I know who he was. Although I know the man, I never speak to him before. I said, "Yes, I knew the man but I never had no talk to him." Then he said, "Mr. Jones, this is Mr. Exall." Then as soon as I sit down Captain Jones, he got out a typewritten list with something like 300, 350 names, and names and check numbers, and he said, "Here, Exall" and I take the list and I began to read the names on it and I recognized quite a few of them. Of course, most of them were from the chipping department where I was working and he asked me if I recognized these names. I said, "Yes; most of them." I said, "Why?" He said, "You done the dirty work." I said, "What do you mean, Mr. Jones?" He said, "You signed up these men in the Union." I said, "That is a God damn lie." Then he said, "You go out to the Mexican boarding house and you signed them up." And I told them it was a lie and he turned around and he said, "Not only that but during the payroll C. I. O., you are getting $6 a day," and I told him that was another lie. And he turned around and he said, "Well, we expect you to say that but you cannot fool me. I am watching you day and

night." Then I got a little sore and I said, "What business have you got to watch me what I am doing outside of the plant?" He said, "That is my job. I am getting paid for it."

And he said, "As long as you want to work for them at $6 a day, why don't you talk to Mr. Wakefield?" He says, "We pay you $6 a day."

And I says, "What the God damn hell are you trying to do, make a stool pigeon out of me?" I says,—I told him he has got the wrong man. I started to leave, you know, and "Well," he says, "you can't work for both sides, for Republic Steel and for CIO," he says, "if you don't want to play ball with us," he says, "Why you won't stay long."

I says, "O. K." I says, "If I don't give satisfaction," I says, "they can fire me."

He says, "Don't worry," he says, "they are going to fire you if you don't play ball with us." I says, "O. K."

Q. Did Mr. Wakefield say anything all this time?

A. Meantime Captain Jones, he hands me out a notebook, and he says, "Here," he says, "this book belongs to Balint." Balint was a CIO organizer. And he says, "Take it and give it to Balint, tell him that I gave it to you."

Then I asked him, if this book was Balint's book, how he got it. He says, "That is my business," and I opened that book and on the top was my name and second number and below there was full of numbers. In other words, he was trying to make me believe that Balint was double-crossing me, see?

MR. DAY: I object to what he thought he was trying to make him believe, and move that be stricken out.

TRIAL EXAMINER LINDSAY: Yes, that is stricken out of the record.

Q. Did he have anything to say to you?

A. I took that book and I met Balint, next day, and I asked him, I says, "How about the book?"

MR. DAY: I object to conversation with Balint,

on the ground it couldn't possibly be binding on the respondent.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

A. Mr. Balint, after he looks the book over, he denied whatsoever, he never saw that book, that book was not belong to him.

So the next day when I went in the plant, Mr. Wakefield asked me if I saw Balint and if I talked to Balint about that book, and I says, "Yes, Lou," I says, "I saw Balint and I spoke to him." And he says, "What he says?"

"Well," I says, "just as I thought so," I says, "that book was not Balint's book, that was a fake book," and he said, "Well, John," he says, "between you and me," he says, "Balint is double-crossing you." I told him, "Why?" I says, "He ain't got nothing to double-cross me about," I says, "I don't believe it." "Oh, yes," he says, "he is double-crossing you."

TRIAL EXAMINER LINDSAY: We will adjourn now to 1:30 p. m.

(Whereupon, at 12:00 o'clock, an adjournment was had to 1:30 p. m.)

AFTERNOON SESSION

(Whereupon the hearing was resumed, pursuant to adjournment, at 1:30 p. m.)

JOHN EXALL

resumed the stand and testified further as follows:

Q. (By Mr. Hoskins) Mr. Exall, do you have a locker?

A. Yes, sir.

Q. Down at the steel mill?

A. Yes, sir.

Q. Was that locker ever broken into?

A. Two times.

Q. How many times?

A. Two.

Q. Two? Was anything taken out of it?

A. No, sir.

Q. Nothing at all?

A. The locker was searched.

Q. It was searched? Did you make a complaint of this to anybody?

A. Yes, sir.

Q. About that?

MR. DAY: Just a minute. I move that the "search" be stricken out.

TRIAL EXAMINER LINDSAY: Yes, the word "search" is stricken out.

Q. Did you miss anything at all from your locker?

A. How?

Q. Did you miss anything at all from your locker?

A. I never miss anything.

Q. Did you make any report of the incident to anyone?

A. Yes, sir.

Q. To whom?

A. The police department.

Q. Did you make a report to anyone else?

A. I made a report in the general meeting.

Q. By "general meeting" what do you mean?

A. When the general—

Q. The General Body meeting of Employee Representatives?

A. Yes.

Q. Did any other representatives make reports similar to that?

A. Yes, sir.

Q. Do you remember what day you made the report?

A. Well, I think it was on January 5th, the last meeting that I attended of the general meeting.

Q. Do you know who else made reports at this meeting?

A. Mr. Bradley were making a complaint.

Q. I show you Board's Exhibit No. 95, the fifth paragraph, with reference to complaint made by Mr. Bradley. Does it correctly express the complaint he made and the action taken by the General Body?

A. Correct.

Q. Mr. Exall, did you ever have occasion to report to the General Body or make a statement to the General Body, concerning your CIO membership?

A. Yes, sir.

Q. What was that?

A. At the last meeting we had up there in the General Body Meeting.

Q. Now, when was the last meeting? The last meeting you had?

A. The last meeting I attended.

Q. You mean by that, before you were discharged?

A. In the first part of January.

Q. And what was your report to the General Body? What did you state?

A. Well, there was a big discussion going on—on what right have the police department to go into a man's locker and break them and search them for union cards?

Mr. Wakefield argued that the lockers are Republic Steel Company property, but he does not know if the police department had any rights to go in and break up lockers.

Well, I got the floor and I made another statement there, that my locker were broken two times and I know what they were looking for, they were looking for union cards.

So I told them that from now on I wish they would let me alone, I am a union man and I feel proud of it, and

Mr. Wakefield—Mr. Wakefield afterwards says, "Now, John"—he says, "watch your step." I says, "All right."

Q. Was this statement of yours included in the official minutes, to your knowledge?

A. How?

Q. Was this statement of yours regarding CIO activity included in the official minutes?

MR. DAY: Well, the minutes would show wouldn't they?

Q. Well, I will show you Board's Exhibit No. 95 again, which carries the statement about the remark you made and ask if that is in the record?

A. That part of the statement there is not correct. I said I was a Union man and I feel proud of it. In the minutes they have a statement that I was a C. I. O. man.

Q. Was there any effort made, Mr. Exall, to keep that statement out of the minutes?

MR. DAY: I object to that.

A. Yes, sir.

MR. DAY: That would be a mere conclusion.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Were you approached by anybody and asked to withdraw the statement although it would not appear in the statement?

A. Yes, the next day.

Q. By whom?

A. Al Frick.

Q. Al Frick. You have previously testified is whom?

A. Al Frick, he call me down to his office the next day and he told me, "John," he said, "you told us, now we know you are a C. I. O. man. You don't want it to be in the minutes?" I said, "Surely I want to be in the minutes." I said, "What do you think I made the statement for? I want it to be right in the minutes." He said, "Yes, we

know you are now, you do not want it in the minutes," but I insist they put it in the minutes.

Q. Have you heard the testimony that has been given earlier in this hearing about the C. I. O. meeting that was held at Bohemian Hall the night of January 13th?

A. Yes, sir.

Q. Did you not attend that meeting?

A. Yes, sir.

Q. Did you recognize anyone from the mill in attendance there other than the employees who were members of the C. I. O.?

A. Yes, sir.

Q. Who did you see there?

A. Neuman was there, Korecky—

Q. No, my question was, other than member of the C. I. O.?

A. How many members of C. I. O.?

Q. No. Did you see anyone there from the mill who was not a member of the C. I. O.?

A. Outside of the hall I see.

Q. Who did you see?

A. Captain Jones.

Q. Captain Jones?

A. And another, his lieutenant, down there in the police force, I don't remember his name.

Q. Did they see you?

A. Captain Jones see me, yes.

Q. Do you remember January 14th?

A. Yes, sir.

Q. What happened on that day?

A. Why, that day I was working from 7 to 3. I went to work 7 o'clock in the morning, I punched my card and I went in and I work, started to work. They took my buddy away to come to another job. Usually we work two at a time. That particular time they took my buddy away and I was working all alone. About 2 o'clock in the afternoon I

was working. I want to change my chisels and the man that had charge over the tool room by the name of Jack Simon, he stopped on my way over to change my tools, my chisels, he said, "Exall, let me see your chisels." He said, "What is wrong with the chisels? You can work them longer." I said, "If you want me to work, I will work them longer, but I do the chiseling and I know when the chisels was done." So George Bellew was standing there and he said, "What is wrong?" I said, "Jack asked me to see my chisels." And then he told me to go back chipping, go back chipping.

Q. Who told you that?

A. Mr. George Bellew. So I got my chisels back and I went back chipping. Later on, about 20 minutes to 3, Mr. George Bellew called me on the side. He said. "Exall, come in here." So I step inside and he said, "The way you act, it seems to me you want the Company to hire a couple of more grinders for you." I said, "What do you mean?" He said, "We been watching you all the day. You done nothing all day but run down changing chisels." I said, "No, sir, it is not the truth." Then he got a book out of his pocket. He said, "I told you we been watching you. The first chisels you got 92 inches, the second 88, and the fourth 82, and so on." He was doing down. I just laugh and I said, "That cannot be done." I said, "Almost 12 o'clock I was working all alone. Nobody come near me to measure the inches of steel I chip." He said, "You are fired." I said, "Well, if you want to fire me, O. K., but don't think I am a baby to believe what you tell me. You fire me for changing too many chisels." He kept on saying he don't want to argue. I kept on asking, "Why don't you tell me the truth, why you fire me for?" Finally he said, "Well, we don't want you here." "Well," I said, "now you tell the truth. You don't want me here. You know why and I know why you don't want me here." He said, "You are dismissed. You are fired." I said, "Well, all

right."

Q. You say the discussion came up on your using too many chisels?

A. Yes, using too many chisels.

Q. Will you explain to the Examiner just what you do with these chisels?

Q. Do you have the last question now, Mr. Exall? My last question was asking you to explain to the Examiner just what you do with these chisels.

A. We chip the steel off with the chisels. We are allowed to take four at a time. When they were worn we were told many times by the foreman at safety meetings if the chisels were no good, to chip any longer, we should exchange them, they always had a barrel-full of chisels over there, take the old chisels back to the tool room and exchange them for new ones.

Q. Who told you that, at these safety meetings, Mr. Exall?

A. Those pushers, what they call them, foremen.

Q. The foreman would tell you that?

A. Yes.

Q. When was the last safety meeting that you remember, at which that remark was made, or at which you were told that?

A. Oh, that was about a week or ten days before it happened, that I got fired.

Q. Before this incident occurred? Now, one further question, when a chisel is worn down, what is done to it then? Do you know?

A. Well, if the chisel is down, you can't do no chipping, just make marks on the steel.

Q. It puts marks on the steel, if it is worn down?

A. Yes.

Q. Now, can those chisels be sharpened?

A. Yes, sir.

Q. Do they sharpen them at the mill?

A. Yes, they sharpen them right away as soon as you take them back to the tool room.

Q. Now, after Mr. Bellew—I forget the exact last word you used—after he finished his conversation with you on this day, what did you do next?

A. Well, I started to walk out of the room, to go to the washroom and wash myself, go out away because he told me I was fired, I was dismissed.

Q. Did anything unusual happen then?

A. When I was passing the tool room I noticed the policeman was standing by the tool room door as guard.

Q. Is that an ordinary procedure, to have the policeman there?

A. Usually when they were going to fire anybody, they always bring a policeman of their own.

Q. On the other days when they were not firing anybody, was a policeman in the room?

A. Yes.

Q. Would he stand there?

A. Not very long, but that particular day he was standing there from 2 o'clock up to the time when I got fired.

Q. All right, you were saying that you started to the wash room to wash up?

A. When I start to pass through him, he followed me, come right after me right up to the wash room, while I was washing, he says, "Exall, I am sorry, I was told to tell you to pick up all your belongings, you are fired."

I says, "I know that," I says, "Mr. Bellew told me that," I says, "you don't have to tell me that."

"Well," he says, "pick up all your belongings," he says, "you are fired." I says, "All right."

So I picked up all my belongings what I had in my locker, and I went in the clock room and I punched my card and then I had some company property there, glasses, we wear glasses and overalls, and I went to take them back

down to the employment office, so I could send them in back again.

And I am attempting to walk through the plant, policeman come after me, he says, "Well, you can't walk through the plant, you are not here working any more, leave for outside."

So I says, "All right." I went outside, and outside I went down to the employment office and hand in my glasses and my overalls, and he wants me to turn in my badge. I says, "No", I says, "I think I am going to keep that badge for a couple of days". "I have got over $50 coming in pay," I says, "I think I have more money in that than the glasses is worth for," I says, "I am going to keep the badge for a couple of days". So he says, "All right," he says, "if you want to keep it, keep it."

Q. Did you leave the mill then?

A. I left the mill.

Q. Now, at the time you were discharged, Mr. Exall, what was your rate of pay?

A. Well, we averaged around 52 cents an hour.

Q. Averaged around 52 cents an hour?

A. Yes.

Q. I believe you have stated earlier that you were making a flat hourly rate, plus bonus, is that correct?

A. Correct.

Q. How many hours a week were you working at that time?

A. Eight hours a day.

Q. How many days a week?

A. Seven hours and a half, rather; we took half an hour off for lunch, we worked eight hours and getting paid for seven and a half.

Q. How many days were you working, each week?

A. There was times when we worked seven days a week, there were times we worked six days a week, and in the last part they made a rule five days a week.

Q. Do you know whether or not the chippers have been given a raise in pay since then?

A. What?

Q. Do you know whether or not the chippers at the mill have gotten a raise in pay since then?

A. Yes, they have, several times they had a raise.

Q. You don't know what they are being paid now?

A. I don't.

Q. After you left the mill on this day did you go back at any time to try to get your job back?

A. Yes, sir.

Q. When did you go back the first time, do you remember?

A. About a month after I got dismissed from the plant.

Q. About a month after?

A. About February.

Q. Whom did you see on that day?

A. I went down to see Mr. Wakefield, but the policeman by the gates, he stopped us over there, and he asked us what we want and we told him that we were sent down there by the union to ask if there is any possibilities as to our jobs, getting our jobs back again.

Q. Now, you have used the words "we" and "us". Who was with you?

A. Was five or six men with me, all discharged men.

Q. Did you get in to see Mr. Wakefield?

A. No, sir, after we told this policeman over there what we want, he says, "Wait a minute," he went in to speak to Captain Jones, and he come back in a few seconds and he says, "Nothing doing," he says, "they don't want youse," so he didn't let us go in and speak with Mr. Wakefield.

Q. Did you talk with Mr. Wakefield at any time after that?

A. This is the same day we walked up on the Dille

Hill over there, walk up on the hill there and got as far as the Fenn Saloon, I went and we called Mr. Wakefield in the telephone, I called him up in person.

Q. You talked with him?

A. I talked with him and I told him that we were sent down there by the union to ask for our job back again, and he said, "Well," he says, "I don't know what can I do for you." He says, "You have got your cases pending down at the Labor Board, we can't do nothing for you until the Labor Board makes decision."

Q. Had you filed a case with the Labor Board?

A. Yes, sir.

Q. Was there any further conversation with Mr. Wakefield at that time?

A. No, sir.

Q. Have you worked for anyone else since you were discharged in January?

A. Yes, sir; I worked for the WPA.

Q. How long did you work for them?

A. April 23rd to May 20th, about a month.

Q. Did you have any trouble getting on with the WPA?

A. No, sir.

Q. Do you know Mr. Dickson?

A. Mr. who?

Q. Dickson?

A. Dickson, yes, sir.

Q. Who is Dickson?

A. He is an investigator for the Soldiers and Sailors Relief.

Q. How much did you make, working that period, Mr. Exall, for the WPA?

A. Sixty dollars.

Q. You made $60?

A. About that.

Q. Have you worked any other that? Other than that month with the WPA, have you worked any place else?

A. I worked one day in the plant.

Q. You worked one day at the Republic Steel plant?

A. One day.

Q. Will you tell us how it is that you happened to go back to work there?

A. Well, it was Saturday afternoon—

Q. Now, when is this, Mr. Exall? Can you fix the date for us?

A. On the 23rd, May 23rd.

Q. The 23rd of May?

A. Saturday.

Q. What happened on that day?

A. George Krause, the employment manager called over to the house, I wasn't home, and he told my wife that I should report to work Monday morning, and when I went back home late at night, my wife told me so, that Mr. Krause was calling the house, he wants me to go back to work Monday morning. So I says, "All right".

Monday morning I went in the plant and Mr. Krause took me up to Mr. Wakefield's office, and Mr. Wakefield says that he had a new job for me. I asked him, "What is it?" "Well", he says, "right now," he says, "I haven't got anything else but labor." Then I asked him more about my seniority rights. "Oh, no," he says, "we want to hire you as a new man, forget about it."

So I told him, I says, "I don't know," I says, "whether I am going to accept it or not. I am going to think it over for a couple of days, and I will let you know." So he said, "All right, John, think it over, and let us know."

A. (Continued) So Tuesday afternoon I call Mr. George Krause on the phone and I told him that I make up my mind to go to work next morning, that was Sunday morning, so he said, "All right." I didn't go down so on Wednesday morning I went back in the mill and after they sent me through the doctor's examination and all that, they put me to work as laboring and I work a day from 7

to 3. The same night we went out on a strike and I am on a strike since.

Q. You worked that one day?

A. Yes.

Q. What was your rate of pay that day?

A. $5.35.

MR. HOSKINS: Will you please mark these for identification as Board's Exhibits 97, 98 and 99?

(Thereupon the documents above referred to were marked Board's Exhibits 97, 98 and 99 for identification.)

Q. Mr. Exall, I show you Board's Exhibit 97 for identification and ask you if you have seen a copy of that before?

A. Yes, sir.

Q. Where did you get that copy you saw?

A. I got it by the mail.

Q. You got it through the mail?

A. Yes.

Q. I show you Board's Exhibit No. 98 for identification and ask you if you have ever seen a copy of that before?

A. Yes, sir.

Q. Where did you get it?

A. Through the mail.

Q. Do you remember what kind of envelopes these two exhibits were in?

A. Republic Steel Corporation envelopes.

Q. I show you Board's Exhibit No. 99 for identification and ask you whether you have ever seen a copy of that before?

A. Yes, sir, I have seen that, too.

Q. Where did you see a copy of that?

A. They mail it to my house.

Q. Was that likewise in a Republic Steel Corporation envelope?

A. Yes.

MR. HOSKINS: I offer Board's Exhibits 97, 98 and 99 in evidence.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: No objection.

MR. DAY: No objection.

MR. HOSKINS: Do you care to see Board's Exhibit 99?

TRIAL EXAMINER LINDSAY: Board's exhibits 97 and 98 are received in evidence.

MR. HOSKINS: (Handing exhibit to Mr. Day) This is Board's Exhibit 99.

TRIAL EXAMINER LINDSAY: Board's Exhibit 99 is received in evidence.

(Thereupon the documents identified as Board's Exhibits 97, 98 and 99 were received in evidence.)

Q. Have you ever been reprimanded by your foreman for laying off work without permission?

A. No, sir.

Q. Have you ever been reprimanded by your foreman on account of unsatisfactory work and improper use of tools? A. No, sir.

Q. Do you want your job back at Republic?

A. Yes, sir.

MR. HOSKINS: That is all.

Cross Examination

Q. (By Mr. Day) You have been very active in the strike, haven't you?

A. Yes, sir.

Q. Do you belong to any Lodge?

A. Belong to what?

Q. Do you belong to one of the Lodges?

A. I belong to 1098, Lodge 1098.

Q. Are you an officer of it?
A. Treasurer.
Q. What officer are you?
A. Treasurer.
Q. How long have you been President of that Lodge?
A. Since the Lodge, we begin the Lodge.
Q. When was that?
A. Oh, I guess around December, 1936.
Q. As President of the Lodge, have you been quite active in planning the strike and pickets?
A. I didn't say I am the President of the Lodge. Treasurer.
TRIAL EXAMINER LINDSAY: Treasurer.
Q. Oh, I beg your pardon. I thought you said President. You said Treasurer?
A. Treasurer.
Q. Then you were Treasurer of the Lodge away back in December?
A. Correct.
Q. You joined the C. I. O. in July?
A. Correct.
Q. And you were a member of the Representative Plan at the mill?
A. I joined the C. I. O. before I was interested in anything.
Q. You joined the C. I. O. in July?
A. I joined the C. I. O. before I was interested in anything.
Q. When were you elected representative?
A. About the middle of July.
Q. You served as a representative until when?
A. How?
Q. You acted as a member of the Representative Body how long up until the time you left?
A. Up until the time I was fired.
Q. Then you were an officer of the C. I. O. and on the

Representative Plan at your plant there at the same time, were you not?

A. Correct.

Q. For quite a few months?

A. Yes.

Q. And you were active in the C. I. O. at the same time?

A. Correct.

Q. That is right, is it not?

A. Yes.

Q. And you have been very active on the picket line, have you not?

A. Very active.

Q. Have you thrown some stones and bricks at automobiles?

A. No, sir.

Q. Not at all?

A. No, sir.

Q. Do you know a man by the name of Ely Nuckley?

A. Ely Dunkley?

Q. Ely Nuckley?

A. No, sir.

Q. Well, I will ask you whether or not on the morning of July 22nd, 1937, at about 6:20 in the morning Ely Nuckley, who is employed at the mill, was driving his automobile to work and traveling south on Independence Road, just before he reached the Grasselli Company plant's office, you threw a stone at his automobile and hit the post on the right side of his front door: Did you or did you not do that?

A. No, sir, I did not.

Q. Did you throw any stones on July 22nd, 1937?

A. No.

Q. Did you ever throw a stone or brick or anything of any kind at any of the automobiles of the men going to and from work?

A. No, sir, I did not.

Q. You are John Exall?
A. Exall.
Q. Do you know Frank Ferder, F-e-r-d-e-r?
A. I didn't know him.
Q. Do you know Peter Storti?
A. Peter who?
Q. Peter Storti, S-t-o-r-t-i?
A. No, sir.
Q. Did you ever hear of a man named Simon Mages?
A. Yes, sir.
Q. He used to be a chipper inspector at the mill, didn't he?
A. Correct.
Q. How long had you known Mages? Is that the way you pronounce it, Mages?
A. I think that is right.
Q. That is right, isn't it?
A. Yes.
Q. How long had you known him?
A. Oh, I know him for as long as I was working at the mill there, three or four years.
Q. Three or four years. And he went back to work, did he?
A. Yes.
Q. You remember that, do you?
A. I remember that.
Q. I will ask you whether or not on Saturday, July 17th, 1937, about 3:20 in the afternoon, you did not see Mages riding in an automobile driven by a man named Sam Sapareto?
A. Right.
Q. Do you know Sam Sapareto?
A. Yes.
Q. Who is Sam Sapareto?
A. Chipper.
Q. How long have you known Sam Sapareto?
A. Several months.

Q. I will ask you whether it is not true that on July 17th, 1937, at about 3:20 in the afternoon, while Mages was driving or riding in Sapareto's car on Broadway between Dille Road and Martin, you did not come up to the car and strike Mages on the jaw?

MR. HOSKINS: Your Honor, I object to the continued questioning along this line. Those dates are all after the issuance of the complaint.

MR. DAY: What difference does that make? This is one of the men that wants his job back. These are specific dates and specific occasions.

TRIAL EXAMINER LINDSAY: What is the date?

MR. DAY: One date is July 17th and the other is July 27th.

MR. HOSKINS: The complaint was issued on July 15th.

MR. DAY: I know but now they are complaining we do not take them back. He wants his job back, now. Haven't I got the right to show us the violence on the part of this man?

TRIAL EXAMINER LINDSAY: I overrule the objection and let the record show an exception.

Q. I will ask you if you did not at that time and place under those circumstances hit this man Mages on the jaw?

A. I did.

Q. I will ask you whether you were not afterwards convicted of assault and battery in the Police Court of Cleveland for hitting him in the jaw?

A. I pleaded guilty.

Q. You pleaded guilty?

A. Correct.

Q. I want to ask you now about some of these conversations that you had with different men at the plant. When did you first talk to Mr. Wakefield? What was the date of your first conversation with him?

A. In fact I talked to Mr. Wakefield so many times.

Q. Oh, I know. I know that.

A. Right after when I went into the Employees Representation Plan, the first week when I attended, the week after they called me into his office.

MR. HOSKINS: Just a minute, Mr. Day.

MR. DAY: What is that?

MR. HOSKINS: I would like to move that all the testimony given in connection with these two incidents after the date of the issuance of the complaint be stricken.

TRIAL EXAMINER LINDSAY: Your motion is denied. Let the record show an exception.

Q. When did you first talk with Mr. Wakefield about any labor union activities on your part?

A. Some time in the last part of July.

Q. Of 1936?

A. 1936.

Q. As near as you can remember, where did that conversation take place?

A. In Mr. Wakefield's office.

Q. Was anybody there besides you and Mr. Wakefield?

A. No, sir .

Q. Now, as nearly as you can remember, when did you next talk to Mr. Wakefield upon that general subject?

A. The next time was when we had the fight about Joe Troyanovich's case.

Q. Where did that conversation take place?

A. The same place Mr. Wakefield's office.

Q. Was anybody there besides you and Wakefield?

A. No, sir.

Q. About when was that?

A. It was in September.

Q. Of 1936. Did you talk to Mr. Wakefield again?

A. Yes, sir.

Q. Can you tell us about when?

A. Tell you what?

Q. Can you tell us about when it was?

A. Not exactly.

Q. What?

A. Not exactly. I cannot tell you the date.

Q. Well, fix the date as near as you can, do the best you can fixing the date.

A. It was around September the 10th or the second week in September.

Q. Was anybody else there besides you and Mr. Wakefield?

A. No, sir.

Q. You said you had one talk with Mr. Wakefield when he said he wanted to help you to educate your family?

A. Yes, sir.

Q. He said he wanted to help educate your family by giving you a better job?

A. What do you mean?

Q. What did he say as to how he was going to help educate your family?

A. I don't know what he means by that but he said we help you to educate your kids.

Q. Well, at that time you were chipper?

A. Was what?

Q. You were a chipper then?

A. I was a chipper then.

Q. Did he talk to you in that conversation about making you a chipper foreman?

A. No, not Mr. Wakefield.

Q. What else did Mr. Wakefield say about helping you educate your kids, as you say?

A. Well, he asked me how many kids I have and if they are going to school and then I told him, "Well," he said, "we help you to give nice education."

Q. When was that? Fix the date of that conversation.

A. That was about the second week of September.

Q. Was anybody there besides you and Wakefield?

A. Nobody else.

Q. You talked with Mr. Carpenter, as I understand it, in September, 1936, is that right?

A. Right.

Q. He said you knew Troyanovich was a Communist, is that right?

A. That is what he said.

Q. And he asked you if you were a Communist?

A. Yes.

Q. And you said no?

A. Right.

Q. Anybody else there besides you and Mr. Carpenter?

A. Nobody else.

Q. You told about a meeting at Garcia's house, Manuel Garcia's house on October, 1936, and you told about talking to Mr. Wakefield. Was it after that Mr. May saw you?

A. Yes.

Q. Where did that conversation take place?

A. Over at my house.

Q. Was May at your house?

A. Mr. May came over to my house, yes.

Q. Anybody there besides you and May, when May talked with you?

A. My wife.

Q. And when you went to see Wakefield, after you talked to May, was anybody there besides you and Wakefield, when that conversation took place?

A. No, sir.

Q. You told about going down to Youngstown in November, 1936. You went down without getting your foreman's permission, didn't you?

A. No, sir.

Q. What?

A. Yes, sir.

Q. And when you came back you talked to Mr. Bellew?

A. Correct.

Q. Was anybody there besides you and Bellew in that talk?

A. That is all.

Q. Just you and Bellew?

A. Yes.

Q. And afterwards you talked to Mr. Wakefield?

A. That is right.

Q. Was anybody there at that talk besides you and Wakefield?

A. No, sir.

Q. You told about a talk on the 5th of January, 1937, when you were present and Mr. Wakefield was present and Captain Jones was present. Was anybody else there besides you three?

A. No, sir, we three.

Q. And you say Captain Jones had a book and said that the book belonged to Balint?

A. Yes, sir.

Q. Did Balint belong to the CIO at that time?

A. He was a full time organizer for CIO.

Q. Does he still belong to the CIO, do you know?

A. Yes, sir.

Q. And you talked to Wakefield after your lay-off, over the telephone, when he said that your case was before the Labor Board?

A. That was in February.

Q. You say you never were reprimanded, is that right?

A. No, sir, with the exception of that day when I went to Youngstown and I got that week lay-off. Never before.

Q. I will ask you whether you weren't reprimanded November 1st, 1936, for laying off without permission?

A. No, sir.

Q. Also November 7, 1936?

A. No, sir.

Q. November 22nd, 1936, at the time you went to Youngstown?

A. That was the only time.

Q. I will ask you if you were not reprimanded for unsatisfactory work and improper use of tools on December 2nd, '36?

A. When was it?

Q. December 2nd of 1936?

A. No, sir.

Q. December 20th of 1936?

A. No, sir.

Q. For the same reason?

A. No, sir.

Q. January 10th of 1937?

A. No, sir.

Q. January 12th of 1937?

A. No, sir.

Q. When you struck Mages, if that is the name, he was sitting in an automobile, wasn't he?

TRIAL EXAMINER LINDSAY: Well, now, Mr. Day, you can't go into the facts of what happened. I have permitted you to go into the fact that he was convicted.

MR. DAY: All right, that is all.

(Witness excused.)

JOHN SABOL

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) State your full name, Mr. Sabol.

A. John Sabol.

Q. Where do you live?

A. 2549 East 33rd.

Q. Have you ever worked for Republic Steel Corporation, Mr. Sabol?

A. I have.

Q. When did you first start to work for them?

A. I worked for the old Corrigan-McKinney in 1925, started to work, I think, the latter part of March.

Q. Have you worked continually since then?

A. I have.

Q. Are you acquainted with the Employees Representation Plan?

A. I am.

Q. At the Corrigan-McKinney works? Were you ever a representative under that plan?

A. I was.

Q. When?

A. In 1935 and 1936 and 1937.

Q. Will you give us the exact dates out there, as near as you can remember, Mr. Sabol?

A. The terms ran from June to June. Well, the first meeting was held in January, automatically when my predecessor was laid off on account of non-employment or whatever the reason was, I automatically—

Q. How long did you serve?

A. It would be from January until the time—

Q. Until the time of the strike?

A. I would say about a year and a half.

Q. Were you working at the mill when the plan was first put into operation?

A. Yes, I was.

Q. How were you first notified of its existence?

A. Well, put around on all of the bulletin boards around various departments, announcing that there would be a representative plan going into effect, and the ways and means of how it would operate.

Q. Now, were the men given an opportunity to vote on whether or not they wanted the plan?

A. No, I don't think so.

Q. Now, you have stated you worked there steadily since then? Were you ever given the opportunity to vote on whether or not you wanted the plan?

A. Well, they had an opportunity to vote on it, and improve the plan.

Q. Did they ever have the opportunity to vote to reject it?

A. No, I don't think so.

Q. When you were elected a representative in 1935, did the Plan at that time have a set of by-laws?

A. Yes, sir, it did.

Q. Were you furnished a copy of them?

A. I was.

Q. By whom?

A. Everyone in the plant had a copy, all of the employees had a copy.

Q. Do you know how they were distributed?

MR. DAY: I want to interrupt just a moment; Mr. Exall, I want to ask one more question.

TRIAL EXAMINER LINDSAY: Is it all right if you do that after you get through with this witness?

MR. DAY: Yes, just don't leave. I forgot to ask you something. Just one question, I am sorry to interrupt.

Q. (By Mr. Hoskins) Mr. Sabol, I show you Board's Exhibit marked for identification 100, and ask you if that is copy of the by-laws which were in force when you were elected in June, 1935?

A. Yes, sir, this is one of the by-laws. The by-laws have been revised since then.

(The document above referred to was marked as Board's Exhibit No. 100 for identification.)

Q. Do you know when it was last revised?

A. Well, the last revision was in the year of 1935—yes, the year of 1935-36.

Q. I show you Board's Exhibit 91, which is already in evidence, and ask you if you recognize that?

A. Yes, that is the revised 1935-36 edition.

Q. Isn't that the copy which was in effect prior to this revision?

A. I think that is the one.

Q. Sir?

A. I believe that is the one.

Q. In other words, is Board's Exhibit for identification No. 100 the by-laws that were in effect up until the amendment of April, 1936?

A. Yes.

MR. DAY: There is no objection.

MR. HOSKINS: I offer, then, Board's Exhibit 100 in evidence.

TRIAL EXAMINER LINDSAY: Board's Exhibit No. 100 is received in evidence.

(The document previously marked as Board's Exhibit 100 is received in evidence.)

MR. HOSKINS: I will ask the Reporter to look at the record and tell me what my question is, just preceding Mr. Day's comments.

(The record was read by the Reporter.)

Q. Speaking, there, Mr. Sabol, with reference to Board's Exhibit 100, do you know all these were distributed in the mill?

A. By representatives, from what I know. I know I distributed my own.

Q. You distributed your own? Did you hear Mr. Exall's testimony on the general procedure for presentation of grievances and manner in which they were carried through?

A. Yes.

Q. If you were asked the same questions as to that

procedure, would you answer them substantially the same?

MR. DAY: I object to that: I do not object to asking him whether that was substantially correct, but I don't believe that we can ask him whether, if you would ask him the same questions, he would answer them in the same way.

TRIAL EXAMINER LINDSAY: Just reform your last question.

MR. HOSKINS: I will be glad to reform it.

Q. Was the information he gave substantially correct?

A. Well, I would not say that it would be entirely so, no.

Q. What discrepancies, wherein do you disagree, can you say?

A. Well, it usually was requested that a written recommendation or grievance be given into the management's office. Of course, the majority of the men thought that it was not necessary and they really would rather go to the foreman or superintendent and settle it verbally.

Q. Were there any other points?

A. Well, the way I understand it, the way I always did with my men, when they came to me I went to his foreman, we both would go to the foreman, and if we couldn't get anything done with him, with the foreman, why it went to the superintendent. If we couldn't make any—if the complainant was not satisfied, still, we called in the management representative and got together; if that didn't work out, why it went to the authority of the general committee, who sat as a Board consisting of all of the representatives. Then from then on they took further action.

Q. Would the general body have any power to correct the particular grievance, itself?

A. No, it only had recommendations.

Q. Were there any other points you think of, Mr. Sabol, that you would like to bring out, on that?

A. Well, that is the procedure. That is the procedure,

and from the General Body it would go to the committee and so forth and so on.

Q. In 1936-37 term of office, were you a member of any committees?

A. Yes, I was.

Q. What committees?

A. In the year 1935-36 I was secretary of the committee on ways and means, and wages, tonnages and economics.

Q. What committees were you a member of, if any, during the 1937 term?

A. Wages and tonnages and economics committee and the Health and Sanitation Committee.

Q. Is that two committees or three?

A. Yes.

Q. That is two committees?

A. Yes.

Q. How often would those committees meet?

A. Oh, we tried to meet anyway, at least once a month.

Q. After you took your office in December, 1936 or January 1937, how often did the general body meet?

A. Well, I first attended the first general meeting in January, I would say.

Q. After you attended the meeting of January, will you proceed with your testimony from there?

A. I attended my first meeting in January, the second Tuesday in January, we generally met. That is the general party, general committee. From there on we had several meetings a month.

TRIAL EXAMINER LINDSAY: This is a good place to stop. Off the record.

(Discussion held off the record.)

TRIAL EXAMINER LINDSAY: Show that that objection of Mr. Day is withdrawn.

Q. (By Mr. Hoskins) Where would these meetings be held, Mr. Sabol?

A. Hospital building.

Q. That is, were the meetings of the general body and all of the committees, being held in the hospital building?

A. Yes, they have a regular meeting room assigned to them upstairs.

Q. Were you paid for the time you spent at these various meetings?

A. Yes.

Q. How were you paid?

A. Well, if you worked—I, myself worked days, eight to four-thirty—whenever time was put in outside of my work-day it was credited to representative work.

Q. Did you ever have occasion to work on representative work longer than the time you would have spent if you had been on your job?

A. Very seldom.

Q. Well, when were you paid, were you paid by separate check, or was it included in your regular pay check?

A. Well, if it was not my regular working day, it was not credited to my regular—on the regular payroll, I would get paid by separate check.

Q. Now, do I understand it correct, then, that any time you spent outside of your regular working hours, any time that you spent on representative work you were paid by separate check is that correct?

A. Yes.

MR. HOSKINS: Mark that Board's Exhibit No. 101.

(The document above referred to was marked as Board's Exhibit No. 101 for identification.)

Q. Mr. Sabol, I show you Board's Exhibit for identification No. 101, consisting of four check stubs numbered A-13876, A-6948, A-24469, A-28196, each stub containing a heading "Cleveland District, statement of wages and pay-

roll deductions." I will ask you if you can identify those four stubs for us.

A. Those were stubs attached to some of the checks that I received for putting in time beyond my regular time as a representative.

Q. Now, you mean for putting in time of representative work, is that right?

A. Yes.

MR. HOSKINS: I offer Board's Exhibit 101 in evidence.

MR. DAY: What are the dates of these?

MR. HOSKINS: I have no evidence of the dates, Mr. Day, I presume the company payroll records would show that.

MR. DAY: Well, we will object unless there is some evidence showing when they were received.

MR. HOSKINS: I will ask the witness.

Q. (By Mr. Hoskins) Mr. Sabol, will you take a list at each one of the stubs here and see if you can tell us when you got each one?

A. It is pretty hard to remember the dates.

Q. Do you know whether they were in your first or second term of office?

A. I believe these were in the second term of office.

Q. They are in the second term of office?

A. Yes.

Q. In other words, that would be sometime between the last of November, 1936, or first of January, 1937?

A. Yes.

Q. And the date of the strike, is that correct?

A. That is right.

TRIAL EXAMINER LINDSAY: Your objection is overruled, let the record show an exception. Board's Exhibit No. 101 received in evidence.

MR. DAY: Exception.

(The document previously marked as Board's Exhibit No. 101 was received in evidence.)

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception. Board's Exhibit 101 is received in evidence.

(Thereupon the document identified as Board's Exhibit 101 was received in evidence.)

Q. (By Mr. Hoskins) Mr. Sabol, referring once again to the Company paying the representatives for the time spent, was that procedure ever changed while you were in office?

A. I don't quite understand you.

Q. I believe the testimony shows you were paid on your regular pay check for time that would have been your ordinary working hours and that for any time outside of your working hours you got a separate check?

A. Yes.

Q. Was there any change in that procedure?

A. Well, those payments for work being done over the regular working hours was stopped.

Q. When was that stopped?

A. Some time in April.

Q. Some time in April?

A. I don't know what date it is, but I know we had a meeting immediately after the Wagner Act was passed and we was cut out, after the Wagner Act was approved by the Supreme Court.

Q. Have you ever heard of the Employees Representative Association?

A. Yes.

MR. DAY: What is that now?

MR. HOSKINS: Sir?

MR. DAY: Is this a new Union or something?

MR HOSKINS: It is one we have not discussed yet.

MR. DAY: Well, I object to anything in connec-

tion with that because there is no reference to it in the complaint.

TRIAL EXAMINER LINDSAY: May I see the complaint?

(The file was handed to the Examiner.)

MR. HOSKINS: I believe the evidence will tend to show—

TRIAL EXAMINER LINDSAY: I don't want any of this on the record until I find out something about it.

(Discussion had off the record.)

MR. DAY: What paragraph are you reading from?

TRIAL EXAMINER LINDSAY: Paragraph 27.

MR. DAY: 27?

TRIAL EXAMINER LINDSAY: Yes. It specifically sets out there. The objection is overruled and let the record show an exception.

MR. DAY: May we have an objection to all of the evidence relating to this entire Employees Representation Association? We are objecting to all the evidence in regard to that.

TRIAL EXAMINER LINDSAY: Yes. Let the record show an objection and also that the objection is overruled and that the Respondent may have an exception. However it is definitely noted in Paragraph 27 of the complaint. Proceed.

(Question read.)

A. I have.

Q. When did you first hear of it, Mr. Sabol?

A. In our Representative meeting.

Q. When about?

A. Well, the process was talked over several times but nothing definite came of it until my second year in office.

Q. When was the first definite action on it to your knowledge?

MR. DAY: I object to the form of that question, definite action. Let him tell what was done. It seems to me whether or not is his conclusion of whether or not something constituted definite action could not be binding on anybody.

TRIAL EXAMINER LINDSAY: Just read that question, will you, please?

(Previous question read by the Reporter.)

TRIAL EXAMINER LINDSAY: All right. I overrule the objection. Let the record show an exception.

MR. DAY: All right.

Q. Do you understand the question, Mr. Sabol?

A. Yes. Well, the first definite action that I remember of took place in a Representative meeting to try to first go ahead and organize the men into an Association.

MR. HOSKINS: I am sorry, I didn't understand all of your answer. Do you have it?

(Answer read.)

Q. Mr. Sabol, I show you Board's Exhibit No. 102 for identification and ask you if you have seen a copy of that card before?

A. Yes, I have.

(Thereupon the document above referred to was marked Board's Exhibit No. 102 for identification.)

Q. When did you first see it?

A. I had several in my possession.

Q. When did you first acquire them?

A. I first acquired them from Mr. Grimm in Mr. Wakefield's office.

Q. About when?

A. We were supposed to have a tour of inspection of the Sanitation Committee and our Chairman called us into Mr. Wakefield's office and Mr. Grimm suggested it would be a good idea instead of going around on inspection of a

tour of the plant on sanitary conditions, we go around and try to sign the men up to the new Association.

Q. Mr. Sabol, will you fix the date of that?

A. It was on a Monday, that is all I know. I could not give you no definite time.

Q. Well, can you fix the month?

A. I know it was around the spring of the year, around May or April somewhere.

Q. Would it be April or May of this year?

A. Yes.

MR. HOSKINS: I offer in evidence at this time Board's Exhibit 102.

MR. DAY: We object to it under the same general objection we have to all of this.

TRIAL EXAMINER LINDSAY: The objection is overruled. Board's Exhibit No. 102 is received in evidence

(Thereupon the document previously identified as Board's Exhibit No. 102 was received in evidence.)

Q. You say Mr. Grimm suggested to the members of the Sanitation Committee in Mr. Wakefield's office—

A. Yes.

Q. —that they take these around?

A. Yes.

Q. Will you relate that conversation as near as you can remember?

A. We were waiting around that morning for almost an hour or more—

MR. DAY: He just gave the conversation.

TRIAL EXAMINER LINDSAY: I didn't hear you.

MR. HOSKINS: Just a minute.

MR. DAY: I say, he just did give the conversation.

MR. HOSKINS: I am sorry, I don't think he

went as far as that. He went so far as to fix the personalities and the date.

TRIAL EXAMINER LINDSAY: Go ahead.

A. The Chairman of our Committee called us into Mr. Wakefield's office and he said we were going to have a little meeting and Mr. Grimm and Mr. May was there and Mr. Wakefield was there and he put a package on the table in the office there and he says, "Well, we got to get started with this some time or other and we might as well get started now." He thought it was a good idea to sign men up to the new Association, that they were forming, and it was the idea that the Sanitation Committee go ahead and do it and so we examined the cards and we went out and done it.

Q. Did you take the cards and go out to try to sign up men?

A. Yes.

Q. On the same day?

A. Yes, sir.

Q. Do you know a Mr. Tull?

A. I do.

Q. Who is he?

A. Superintendent of the electrical department.

Q. Did you have any conversations with Mr. Tull regarding this Employees Representative Association?

A. Yes, I did.

Q. Will you relate the first one?

A. Mr. Tull told me I think the next day or two, after a day or two, after we went around to sign these men up for the new Employee Association, he had a phone call and he wanted to know why my percentage in my department was so low.

Q. Why your percentage of what?

A. Of joining the new Association was so low. I told him I didn't know. I said for obvious reasons. Well, I said, they must belong to something else or other, they just won't sign, that is all. I could not force the men to do it.

They know what the Association is about. It has been published in their minutes, the group tried to start an organization that was independent of the Company and tried to operate under its own policy. That is all I could, the only reason I could give him, I didn't know, that is all. It was every individual for himself.

Q. Did you have any further reasons for him?

A. That is all. Nobody in the construction gang would sign it. Only a few in my department. Then he called in Mr. Nutting.

Q. Who is Mr. Nutting?

A. He is the foreman on the construction gang.

Q. Is he under the superintendent of the electrical department?

A. Yes, he is.

Q. What took place after that?

A. Well, he called up and he said, "What seems to be wrong with your men, Ted?" Or about that language. Well, Mr. Nutting expressed the opinion that he had a couple of men there that all the rest of the department seemed to be following. He expressed the opinion that only the riddance of those two men would any of the others try to sign up, so I was asked to go out again and see what I could do and I said maybe if I have a little bit of help, somebody give me a hand, which later on one man offered his help but it didn't seem to function very well. He didn't help me very much. In fact, I didn't get any signatures to it at all. In the past I signed up pretty close to, well, I would say, all of 50 percent of the department and naturally it died out after a while.

Q. How much time did you spend after the date of this meeting in Mr. Tull's office attempting to sign men?

A. Well, whenever I was asked to. If I had any spare time I was asked to see if the men would sign up from time to time.

Q. Can you estimate for us how many days or how

many hours you spent trying to get men to sign up in this Employees Representative Association?

A. No, I cannot. It was several days.

Q. Were you paid for the time you were spending doing that?

A. Yes, I was. It was during my working hours.

Q. One further question before I go on. Is Mr. Tull your superintendent?

A. Yes, he is.

Q. Did you ever circulate any petitions about the mill, Mr. Sabol, as a representative?

MR. DAY: Are you through with the other examination? If you are, I want to move to strike out the new Union. I always forget the name of it.

TRIAL EXAMINER LINDSAY: Employees Representative Association. Motion denied. Let the record show an exception.

MR. DAY: The grounds of the motion are all set forth in the objection to the same testimony.

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess.)

Q. (By Mr. Hoskins) Mr. Sabol, did you as a representative ever have occasion to circulate any petitions about your plant?

A. Not about the plant.

Q. Well, about your department? And show the men you represent?

A. Yes.

Q. How many times, do you recall?

A. Oh, maybe two or three times.

Q. Now, will you tell us just generally what these petitions were about in your last term of office?

A. Well, they had something to do with having faith in the management.

Q. Any others?

A. I think the others had to do with strikes and of getting the Mayor of the city to give us police protection.

Q. Were there any others that you think of?

A. I can't remember just at this time.

Q. Will you fix the time for us as near as you can to the time you circulated these two petitions about?

A. I believe these two were in my last term of office, between January and February.

Q. Who had given you those petitions to circulate in this term?

A. I think one was given me by the Secretary and the other by the foreman.

Q. Who was your foreman?

A. Mr. Kredel.

Q. Do you recall how much time you spent circulating these petitions?

A. Well, it didn't take me very long.

Q. Well, about how long?

A. Oh, a couple of hours.

Q. Were you paid for that time?

A. I was paid for that time. It was my regular day's work.

Q. Mr. Sabol, as a representative of this Employees Representative Plan, did you ever attend any banquets?

A. Yes, a general conference.

Q. A general conference?

A. Yes.

Q. Where was that held?

A. Hotel Cleveland.

Q. When?

A. The latter part of April.

Q. Which year?

A. 1937.

Q. The latter part of April, 1937?

A. Yes.

Q. What time of the day was that held? Do you recall?

A. It started about noon.

Q. Started about noon?

A. Yes.

Q. How long did it last?

A. Five o'clock or so.

Q. Who all was present at this affair?

A. All the superintendents of the Corrigan-McKinney and some of the officials of the Republic Steel Corporation.

Q. Will you name some of the superintendents and officials who were there?

A. Well, Mr. Tull and Mr. Shriber. They were all there. I can't remember them now.

Q. Were all the Employees Representatives there?

A. Yes.

Q. Did any of these officials speak at this meeting?

A. Well, they all had something to speak.

Q. Do you remember what any of them had to say?

A. General talks about representative plan; general discussion of various complaints of men that the men had, various grievances, and then was a discussion of whether the men favored the union or the representative plan, and the representatives' opinion pertaining to that question.

Q. Do you know Mr. White?

A. Yes, I do.

Q. Who is he?

A. Vice-president of operations.

Q. Was he present?

A. Yes, he was.

Q. Did he speak?

A. Yes, he spoke.

Q. Do you remember what he had to say?

A. Well, officially he didn't think much of the C. I. O. and he didn't think it was the American type of organization, he didn't think it was a responsible organization.

Q. Were you assessed any cost for this banquet?

A. No, I wasn't.

Q. While you were a member of the Employees Representative Plan, Mr. Sabol, were any dues ever collected?

A. Sir?

Q. Were any dues collected in the Employees Representation Plan?

A. Well, that is something I can't say, because I never—

Q. Did you ever pay or collect any dues?

A. Do you mean in the Employees Representative Plan, association, or the plan itself?

Q. I am talking now of the plan?

A. No.

Q. When you were taking these cards around on the Employees Representative Association, cards identified as Board's Exhibit No. 102, was there to be any dues in that association?

A. Well, it was not quite straightened out, then, it has never been definitely decided, while I was still representative, whether there were going to be any, of course, there was always a general discussion of some sort of dues to be charged.

Q. Now, at the time you were signing the men up in this, did the Employees Representative Association have any by-laws?

A. Well, they were going to adopt the revised book that we had revised at that time, operating at that time in 1937.

Q. Do you mean they were going to adopt—

MR. DAY: He has not finished his answer, yet.

MR. HOSKINS: I am sorry.

Q. Had you finished your answer?

A. No, I hadn't.

Q. Pardon me, go ahead.

A. And there was, I think, some additions was going

to be put into it later, they were going to adopt more or less the same plan because it was about the best that was in existence as far as the Representative Association or Plan was concerned at that time. We had scanned several books and everything else and had men look at various other by-laws that had been set up by other corporations, that is, representative plans; we found we had about the best that was going at that time, and going to adopt the same by-laws and change it to conform—flexible enough to work here with other Republic districts.

Q. Now, these amended by-laws of which you speak, are those the by-laws which are in Board's Exhibit No. 91?

A. Yes, that is 1935-36.

Q. When was the last meeting you attended as representative of the Employees Representation Plan, do you remember?

A. If I am not mistaken, I think it was about a week before the strike.

Q. About a week before the strike? Can you give us an approximation of how many meetings you attended in the last month?

A. Oh, there was several meetings.

Q. About how many?

A. Well, I attended meetings of the two committees I was on, and there was two or three meetings of the General Committee.

Q. Were you paid for the time you spent at all these meetings, including that one that was a week before the strike?

A. Well, there was a lot of time on my regular day.

(The document above referred to was marked as Board's Exhibit No. 103 for identification.)

Q. Mr. Sabol, I show you Board's Exhibit for identification No. 103, and ask you if you have ever seen a copy of that before?

A. Yes, I have.

Q. Where did you see a copy of it?

A. I believe I received a copy of this at one of the meetings.

Q. One of which meetings are you now referring to?

A. I am not definite whether at that banquet or when the representatives meetings, but I received one of these copies.

Q. You received it at either the banquet, do you mean by that the Cleveland Hotel banquet you just testified to?

A. Yes.

Q. Or was that a meeting of the General Body?

A. One of the meetings, I can't say.

MR. HOSKINS: I offer Board's Exhibit No. 103 in evidence.

MR. DAY: There is no objection to this.

TRIAL EXAMINER LINDSAY: Board's Exhibit 103 is received in evidence.

(The document previously marked as Board's Exhibit No. 103 was received in evidence.)

Cross Examination

Q. (By Mr. Day) When did you join CIO?

A. I think it was April 29th.

Q. Of this year?

A. Yes.

Q. Have you been on the picket line?

A. No, sir, I was employed as bookkeeper for the finance committee.

Q. Of the lodge?

A. No, I was on a special committee.

Q. Of the CIO?

A. Of the lodge.

Q. Of the lodge? When was it that you tried to sign up these men for this union that has just been mentioned,

here?

A. Sir?

Q. When was it that you were out trying to sign up men for the union?

A. It was at the time when we were supposed to have a general sanitation inspection of the plant.

Q. During what month was that?

A. I am not positive but the latter part of April some time.

Q. Well, were you out trying to get signers to join this Union after you joined the C. I. O.?

A. No, sir, I was not.

MR. HOSKINS: I would like to ask the name of this organization be used there rather than the word Union in order that the record might be perfectly clear on which one Mr. Day means.

MR. DAY: I am referring to the Employees Representative Association of Republic Steel Corporation.

Q. Did you belong to the C. I. O. when you solicited members or contacted prospective members for this—

A. No, I didn't.

Q. —organization?

A. No.

Q. Was that before you joined the C. I. O. or after? Before you joined?

A. Before. I joined April 29th. I think I still got my card here. I will check it up.

Q. You were asked about certain petitions that were circulated. What were those petitions for?

A. Four, twenty—

TRIAL EXAMINER LINDSAY: Listen to his question.

Q. You were asked about certain petitions being circulated in the mill?

A. Yes, sir.

Q. When were they circulated?

A. During my working hours when I had permission to go off my work to circulate them.

Q. During what months were those, as near as you can?

A. I believe one or two were during my first term, and one or two during my second term.

Q. What years were those in?

A. 1935, 1936 and 1937.

Q. Did you sign those petitions?

A. Sir?

Q. Did you sign those petitions?

A. Yes, sir, I did.

Q. They related to what?

A. Confidence in the management and police protection in case of trouble.

Q. Did you sign any of those after you joined the C. I. O.?

A. No, sir.

Q. You have not asked for your job back?

A. Yes, I was down to the plant.

Q. Since the strike?

A. Yes, sir. Not since the strike.

Q. Before the strike?

A. Well, since the strike, since the strike, yes.

Q. How long ago was that?

A. That was, notice was sent out that all men should report to the plant to maintain their seniority. I did.

Q. About when was that?

A. That was on Friday, about three days after the plant opened up.

Q. After the plant opened up?

A. Yes, sir.

Q. You worked at the Truscon plant?

A. No, sir.

Q. Weren't you on the picket line anywhere?

A. Naturally I was around there, there was never

any man that was not on the picket line at some time or other.

Q. What plant do you want to talk about?

A. I was never stationed on the plant.

Q. At what plant did you act as a picket?

TRIAL EXAMINER LINDSAY: Do I understand you were never on the picket line?

THE WITNESS: I said at one time there was no one around there that never was around the picket line.

Q. Were you on the picket line at all during the strike?

A. I was not an established picket, no.

Q. Not what?

A. I was not an established picket.

Q. Well, whether you were an established picket or not, were you on the picket line at any time during the strike?

A. Yes, I was on the picket line.

Q. How frequently?

A. Oh, several times a week sometimes.

Q. At what plant?

A. Corrigan-McKinney and Truscon.

Q. You worked up to the time of the strike?

A. Yes, sir.

MR. DAY: That is all.

(Witness excused).

MR. DAY: I want to ask Mr. Exall one more question.

JOHN EXALL

a witness recalled by the Respondent for further cross-examination, having been previously duly sworn, testified further as follows:

Cross Examination

Q. (By Mr. Day) Have you asked for your job back since the strike?

A. Why should I ask, I am still on strike.

Q. Not why should you. Have you?

A. No, sir.

MR. DAY: That is all.

(Witness excused.)

MR. HOSKINS: Mr. Rodway.

GLENN RODWAY

a witness called by and on behalf of the National Labor Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name?

A. Glenn Rodway.

Q. Where do you live?

A. 4410 Broadway.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes, I have.

Q. When did you first start to work there?

A. I started at the Corrigan-McKinney plant December 21st, 1927.

Q. Have you worked there continually since then?

A. I have.

Q. What is your position down there?

A. Motor control operator, 10 inch mill.

Q. Do you belong to the C. I. O.?

A. I do.

Q. When did you join?

A. I believe it was during April.

Q. April of what year?

A. 1937.

Q. Do you know Mr. Francis Kredel?

A. I do.

Q. Who is he?

A. My understanding, he is assistant superintendent of the rolling mills.

Q. Did Mr. Kredel ever have anything to say to you about your membership in the C. I. O.?

A. Yes, he did. I came into the plant one day, the 3 to 11 turn.

Q. About when was this, Mr. Rodway?

A. Oh, possibly the latter part of April or first part of May, around that time.

Q. Had you started to wear your C. I. O. button at that time?

A. I had the botton nd I was wearing it.

Q. Will you go ahead with your conversation there?

A. I entered the mill and Mr. Kredel was standing there and he said to me, he said, "I see you went and joined it. Glenn," and I said, "Yes, Frantz, I did." He said, "Well, I hope we won't have any trouble. We are trying everything we can to keep the boys satisfied." I said, "Well, Frantz, I don't see any cause for any trouble. It appears to me that the Wagner Act has given the men the right to organize a Union and they are taking advantage of it. That is the way I feel about it." "Well," he said, "you know, we don't want any Russia over here." I said, "No, I don't want any. I consider myself 100% American and it seems to me that the policy of the corporation ought to be to encourage men to get into an organization like that. They are much better on the inside than on the outside." I believe that is about all at that time.

Q. Did any of your other bosses ever say anything to you about your membership in the C. I. O.?

A. My foreman, Mr. Thomas Jose, came into where I worked.

MR. DAY: I object to the conversation with the foreman on the ground the foreman had no authority to act for or speak for the Respondent.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. He came up in the pulpit where I worked. He said, "Hello, Green Button Pete."

Q. What color was the C. I. O. buttons that month?

A. The month of April was green, much larger than they have now.

Q. Were you wearing one at the time?

A. I believe I was.

Q. Were you ever a representative under the Employees Representative Plan?

A. Yes. I was before the Republic took it over.

Q. In what year?

A. The latter part of 1934 and the first half of 1935.

Q. You say that was before the Republic took it over?

A. Yes.

Q. Were you working on May 26th, 1937?

A. Well, I worked on the night of May 25th, 11 to 7, finished up at 7 o'clock, May the 26th, at 7 in the morning.

Q. Then did you go down?

A. And the strike was called at 11 o'clock that night and I didn't work that night.

Q. Have you been down to the mill since then to try to get your job back?

A. No, I have not.

Q. Has anyone been out from the mill to try to get you to go back to work?

A. There was some men called at my house and I was not home.

Q. Who were these men?

A. Edward MacMeans.

Q. And who is he?

A. He is a roller.

Q. Is a roller a supervisor of any sort?
A. We have to take orders from him.
Q. Who else came out with him?
A. Sam Snyder.
Q. Who is he?
A. A heater.
Q. Was there someone else with those two?
A. Sam Morachi.
Q. And who is he?
A. A finisher.
Q. Is he in a supervisory capacity?
A. No.
Q. You say these men came to your house?
A. Yes.
Q. Did you see them?
A. No.
Q. Did they speak to anyone at your house?
A. Mr. MacMeans was the only one who entered the house, he wanted to talk to my wife.

MR. DAY: I object to that, he was not there.

TRIAL EXAMINER LINDSAY: Overruled. I grant you an exception.

A. (Continued) As my wife related to me he said the strike was lost and he heard that Republic Steel was insured the first 30 days of a strike and hadn't lost anything in that period and that the dead line was for the end of that week and all the men that were not back to work in that dead line would have to pass a physical examination and you know what that means.

Q. Are those his own words?

MR. DAY: I move to strike that out as incompetent, irrelevant and immaterial, no bearing on any issues presented here and there is no evidence that the man talked to this man's wife. It is hearsay at best.

TRIAL EXAMINER LINDSAY: Motion denied and exception.

Q. Those last words you used, were those his words?

A. They were all his words.

Q. About when was this, Mr. Rodway, that these men came to your house?

A. About the first week in July.

Q. Did you go down to the mill?

A. I did not.

Q. As they requested?

A. I did not.

(Thereupon a document was marked Board's Exhibit No. 104 for identification.)

Q. Mr. Rodway, I show you Board's Exhibit 104 for identification consisting of a printed letter together with an envelope attached to it, can you identify that?

A. I can, yes. It came to me through the mail.

Q. It came to you through the mail?

A. Yes.

Q. With this envelope attached to it?

A. Yes.

MR. HOSKINS: I offer it in evidence Board's Exhibit 104.

MR. DAY: No objection.

TRIAL EXAMINER LINDSAY: Board's Exhibit 104 is received in evidence.

(Thereupon the document previously identified as Board's Exhibit No. 104 was received in evidence.)

MR. HOSKINS: That is all.

Cross Examination

Q. You were out on strike on the 26th of May?

A. Yes.

Q. Been on the picket line?

A. Yes.

Q. Active on the picket line?

A. I was picket captain for about the first couple

weeks of the strike and working as a helper working and helping out at strike headquarters.

Q. Carry any sticks or clubs?

A. No.

Q. When was it this man called you Green Button Pete?

A. The first part of May.

Q. You joined the C. I. O. in the latter part of April or the first part of May?

A. Some time during April.

Q. Was it the 20th of April you joined the C. I. O.? I thought you said 4-20.

MR. HOSKINS: This witness had the card.

MR. DAY: Was he the man that had the card? I beg your pardon.

Q. You joined the latter part of April?

A. Some time.

Q. And you put your button on right away?

A. As soon as I joined they had a meeting and passed a resolution that the men would wear the button.

Q. And you worked up until the strike on the 26th of May?

A. Yes.

Q. You haven't ever asked for your job back since the strike?

A. No, sir. Not while the strike is on.

Q. And the strike is still on?

A. Yes.

MR. DAY: That is all.

(Witness excused.)

JAMES C. QUINN

a witness called by and on behalf of the National Labor Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name, Mr. Quinn?

A. James C. Quinn.

Q. Where do you live?

A. 6901 Whitney Avenue.

Q. Have you ever worked for the Republic Steel Corporation?

A. Yes.

Q. When did you first start to work for them?

A. I started with the Corrigan-McKinney plant in December, 1927.

Q. And you worked there how long?

A. Up until May 26th, 1937.

Q. You worked there how long?

A. Up until May 26th, 1937.

Q. What was your job, Mr. Quinn?

A. I was inspector in the 12-inch finishing mill.

Q. Do you belong to the CIO?

A. I do.

Q. When did you join?

A. July 21st, 1936.

Q. Have you ever held any office in either of the CIO lodges?

A. I am financial secretary of lodge 1098.

Q. Do you know a man by the name of Harold Sisk?

A. I do.

Q. Who is he?

A. He is employees' representative down at the Corrigan-McKinney Works.

Q. Have you ever heard of the Employees Representative Association?

A. I have.

Q. Were you ever asked to join it?

A. Why, Harold Sisk asked me to join it once, yes.

Q. When was that, do you remember?

A. That was in either April the 7th or 8th of this year, 1937.

MR. DAY: Is that the new organization?

MR. HOSKINS: Yes.

MR. DAY: Well, I object to any evidence with relation to it.

TRIAL EXAMINER LINDSAY: That objection is overruled, let the record show an exception.

MR. DAY: Exception.

Q. You say he asked you to join?

A. Yes, he did.

Q. Was he asking all of the men in the department?

MR. DAY: I object to that.

A. He was asking everyone to join it.

TRIAL EXAMINER LINDSAY: That objection is overruled, let the record show an exception.

MR. DAY: Exception.

Q. Will you relate your conversation with Mr. Sisk at the time he asked you to join?

A. Why, April 7th or 8th, I believe, I was working the 11 to 7 turn at that time and I went in the mill and there was a lot of commotion around there, that they were coming around getting support of a plan for the men to join, company sponsored. When I changed clothes I went over to work, where I work, and the first one I met was Mr. Sisk. He was distributing those cards to each man he would come up to, he had ten or twelve of them on the desk, there, and he had the men inside, he was telling each man individually just what it was about, and everything, and I come over there and I told him he had no right to do that, he was a representative for the company, and he had no right to come through the mill and try to get the men into that union or association, whatever it was. He started to arguing with me. So I told him—I pulled a card out of my pocket, CIO blue card, I told him to sign it. He would not sign it. Then before I pulled it out he asked me to

join that Employees Representative Association, and I told him I would not.

Q. Now, Mr. Quinn, I show you Board's Exhibit 102 and ask you if that is the kind of card he was using?

A. That is the same identical thing that he was using.

Q. Was Mr. Sisk accompanied by anyone at this time?

A. I beg your pardon?

Q. Was Mr. Sisk accompanied by anybody at this time?

A. Why, at that time he was alone. He was not working his regular turn, but he would come in the mill on his own time, the way the representatives usually done.

Q. Did he attempt to sign you up at a later time?

A. Well, that was the only time he ever contacted me, I would not have anything to do with him and he would not—the same with him, he would not have anything to do with me.

MR. DAY: I move to strike out the conversation on the same ground stated in the objection to it.

TRIAL EXAMINER LINDSAY: That objection is overruled; motion denied, let the record show an exception.

Q. Mr. Quinn, did you ever have any conversations with any of your bosses at the mill regarding CIO or other unions?

A. I did.

Q. With whom?

A. Well, I had a conversation once with my own boss, George Bellew and I had a conversation at different times with other bosses.

Q. Now, who is George Bellew? What is his title, do you know?

A. He is the chief inspector at Corrigan-McKinney. He was, when I was there.

Q. When did this conversation take place?

A. I believe that took place in either February or March, I am not certain now of the month, what month it was, but I know it was cold.

Q. Of this year?

A. Of this year, yes.

Q. Can you relate that conversation, as near as you can remember?

A. Why, I was sent over to his office to keep my nose clean, sort of speaking, that is, Mr. Satter had called me into his office.

Q. Who is Mr. Satter?

A. He was chief chipper down there in the mill, 10, 12 and 18 inch mill, I believe.

Q. You say he called you into his office?

A. Well, yes, he called me into his office one afternoon and he accused me of signing—

MR. DAY: I object to that conversation between Bellew and this witness on the grounds already stated, that he had no authority to act for the company.

TRIAL EXAMINER LINDSAY: The objection will be overruled, let the record show an exception.

MR. DAY: Exception.

A. Why, he accused me of signing up one of his men as a crane man down there, crane man worked on the 10 inch mill—he called me into his office and he says, "Jim," he says, "you were turned in for signing up two men in the CIO." And I asked him who they were, and just as I asked him both of them come in the office, and he accused them and they denied it and I denied it: I never had signed those men up into the CIO at that time, up to that time I didn't sign them up, and I was telling him the truth and he knew it, so he gave me a lecture about going around signing the men up in the plant.

Well, he didn't have any evidence there that I did sign men up in the plant. Afterwards he cooled off and he told me to [go] over and see my boss and keep my nose clean.

"Well," I says, "my nose isn't dirty, I don't have to go over to see my boss."

"Well," he says, "you better go over anyway," he says, "you know how the situation has been around here," that is, regarding me, so I says, "O.k.," so I went over to George Bellew's office and he was in there alone and he was surprised to see me coming in there because I think it was the first time I ever walked into his office, and he asked me what I wanted and I told him.

"Well, the only thing," he told me, he says, "we know what they are doing out there, Jim," he says, "if you get caught signing men up in the union," he says, "I will have to fire you and then I will be the dirty one for firing you," that is what he told me.

Q. Was there anything more to that conversation?

A. Well, that is about all he said. I denied to him that I signed those men up, which I hadn't, up to that time, I hadn't signed them.

Q. Did you have any conversation with any other of the bosses?

A. Yes, I had with the boss there in the 12 inch mill, Louis Eckert.

Q. How do you spell that name?

A. E-c-k-e-r-t, I believe.

Q. When did this conversation you are about to relate, take place?

A. Well, that conversation was from last—I will say last September up until we went on strike, Louis was always walk down where I work at the shears, always his main theme of conversation would always be C. I. O., John Lewis and his C. I. O.

He would come down there and he would talk to me and when the other fellows would get around to listen, he would talk to them too, and it was the same story all from beginning to end, that John Lewis, we would have to pay a dollar into the organization, where is the dollar going

to?, he would say. "And the company union, you don't have to pay anything," and the benefits he would start to recite the benefits which we got from it, which I never saw anybody get any benefits from.

And then he would go on to say that of the dollar, 75 cents would go here and 25 cents would go to Russia to the communists, it was a communist organization, nobody belonged to it, to use his exact words, but niggers, Polacks and Jews, that is all, that was the main topic of conversation whenever he would come around there, he would go up to the men, say the same thing over and over again. I have heard him several times up in the mill, say the exact same words.

Another one was Art Lawton, the same way.

Q. Who is Art Lawton?

A. Turn superintendent.

Q. How do you spell his name?

A. I think it is L-a-w-t-o-n, he would come down there and seeing I was the only one of those fellows that ever talked to him, because the others were too busy all the time, he would come in at 7 o'clock in the morning and I would come on working until 3 o'clock, he didn't have anybody to talk to but me, that is the reason I got all of that stuff, why he would come down there and make the same accusations against Lewis, against President Roosevelt, in fact, against everybody that was connected with anything to uplift the workingman.

He was against everything like that. Come down and told me, "Well," he says, "Jim, your communists got this and your communists got that. How many men have you got in your communist organization, now?"

He would come down with facts and figures, one time, to show me about the lodge funds, while I was financial secretary of the lodge and I knew where those lodge funds went to.

And then it was April 14th or 15th I believe maybe—

Wait until I see—Yes, it was April 14th or 15th I had a case to go up to the mill, they had trouble with the section, they couldn't get a good section, and the mill had closed down.

I went up there and this same fellow in person, Lawton, he was standing up there with his arms folded and every man in the mill who would go in there, they would send them in one at a time, he would say, "Get in there," and I went over and I looked in the window and the reporter was sitting on one side of the desk and he had a pile of those employees association, representative association cards in front of him, and as the men would go in he would shove it over to him, well, the man, it was up to himself whether he would sign it or not.

Well, I told him not to sign, anything, but most of them did sign it, I learned later on, and there was two millwrights down at the shanty, he went up and he blew the whistle and when they come out he says, "Get up here," they come up there and one fellow signed and the other fellow didn't.

And then the assistant roller there called me over and he says, "It is a damn shame, Jim," he says, "to have a man like that stand in the mill and chase them poor hunkies in there," that is what he told me.

"Well," I says, "if they had any guts they would tell the man to go to hell like I did."

Then later on he came down to the shear where I was working and when he got down there I jumped on him about it.

Q. Is this Mr. Lawton you refer to?

A. Mr. Lawton, I says, "What authority have you got standing up there and chasing them men in there?" I says, "The Supreme Court has just signed the Wagner Relations Act," I says, "you haven't a damned bit of business standing up there making them men sign up." I says, "The only reason they sign up, if they don't sign it, you will turn them

in to their bosses in the morning," and I says, "you know what that means, he would come out here and lay them off again like he always does."

"Well," he says, "the Wagner Labor Relations Act is like everything else," he says, "it don't mean a damn thing."

Then he went on to tell me about me and my bunch of communist friends, John L. Lewis all the way down, he raked them all over the boards, that was the only time I ever had that sort of argument was that one night.

Q. About how many conversations would you say you had with Mr. Eckert along the general tone which you have testified?

A. Mr. Eckert, I will tell you, to be exact, those conversations with Louis Eckert started in 1933 when the American Federation of Labor tried to get in there, and from that time on he has always picked on me about unions. He knew I was a union man, see, and he always picked on me. But I should say altogether, I couldn't give you the exact number, but it was two or three hundred conversations, anyway, because day in and day out when I would work day turn he would be up there sometimes four times a day, he would come up there and the same thing all the time.

Q. How many conversations would you say you had with Mr. Lawton about the unions?

A. With Lawton about the unions? I would say I had about 45 or 50 conversations altogether.

Q. Do you know Jack Newhouse?

A. Yes, I do.

Q. Who is he?

A. He is foreman of the shippers in the 10 and 12 inch mill.

Q. Did you ever have any conversation with him about your union activities?

A. Yes, I had plenty of conversations with Jack, too.

One time he come up to me—

MR. DAY: I want to object to any conversation with Newhouse, a foreman, on the ground he had no authority to act for the company in speaking.

TRIAL EXAMINER LINDSAY: The objection is overruled, let the record show an exception.

MR. DAY: Exception.

A. Jack come over to me one day, sidled up alongside of me, got my ear like he always did, he says, "Watch your step, Jim," he says, "you are on the spot."

I says, "What for?" I says, "Why should I watch my step? Haven't done anything."

H says, "There is a list of names come down from the office," he says, "about that long (indicating), and your name heads the list." I says, "Why should my name head the list?" He says, "You know why." I says, "Why?" He says, "Union," and he walked away.

MR. DAY: Now, I move that that be stricken out on the same grounds stated in the objection to it.

TRIAL EXAMINER LINDSAY: The motion is denied, they—let the record show an exception.

Q. Any other conversations with him?

A. Well, every once in a while Jack would come up and he would tell me to watch my step, all the time.

Q. Have you been in the mill since the strike was called, Mr. Quinn?

A. I have, I have been in the mill, I think it was May 28th, two days after the strike was called.

Q. What was the purpose of that visit?

A. Why, the officers of both lodges contacted Mr. Carpenter, there were men in there that they were supposed to be out on strike with us, and he denied it, so we asked him, in all fairness, to let us go through the mill and let us look and see for ourselves, and he agreed to it.

We went through the mill, we started at the office and went all the way through there to the blast furnace and I

think we got 43 men out that afternoon, didn't have any business in there.

Q. Were you accompanied by any of the mill officials?

A. Why, it was Mr. Carpenter and Mr. Halloway, that was the one, and I think Captain Sperkey of the Detective Bureau went through.

Q. Who is Mr. Carpenter?

A. He is general manager.

Q. Who is Mr. Halloway?

A. I think, I am not sure, but I think Mr. Halloway is the assistant general manager.

Q. Did you have any conversation with either of these men about the union at the time?

A. Well, Carpenter, he kept his mouth shut all the time, he didn't mention anything about union. But as we finished our inspection of the blast furnace, I was walking down the railroad track and came across that bridge, whatever they call it over there, I am not very well acquainted on the West Side there, first time I was ever in there, first time I ever saw the blast furnace, why Halloway come down, he was walking the rails and he says, "Did you ever do that when you was a boy, Jim?" I says, "Yes, a lot of times," so he put his arm around my shoulder and he says, "Why the hell should your type of man get mixed up with C. I. O.?

I says, "Why? What is the matter with it?" He says, "You know as well as I do what they are, Lewis and—" practically the same thing all the way down—"are a bunch of communists." And we had a colored fellow went through the mill with us, he says, "You see back there, don't you?" He says, "You don't want to associate with anything like that," he says, "niggers, Polacks, hunkies," the same thing.

And he says we were a bunch of communists in the C. I. O., and when I started to deny it he says, "Oh, forget it," and he started to laugh, but he meant it, I know he did.

MR. HOSKINS: That is all.

Cross Examination

Q. (By Mr. Day) Did you give these various men an argument when they argued with you?

A. No, I did not.

Q. Well, Bellew and Exall and Lawton and Halloway?

A. No, I never did give Bellew an argument. I argued with Exall and Halloway. Halloway, he started to argue with me but I just smiled and laughed and said, "Forget about it."

Q. Well, you argued with him, you said?

A. No, not with Mr. Halloway.

Q. You joined the C. I. O. July 1st, 1936?

A. Yes.

Q. You stayed at the mill until when?

A. May 26th; I didn't work Sunday, Monday or Tuesday.

Q. And you stayed at the mill until May 26th, 1937, when the strike began?

A. Yes.

Q. Were you working right along?

A. Yes.

Q. And these various talks were before that, is that right?

A. Well, the only talks I had were with Halloway was before that.

Q. Before you joined the C. I. O.?

A. Yes.

Q. That was back in 1933?

A. Yes.

Q. After you joined the C. I. O.?

A. After I joined the C. I. O. he kept that up; then there was others came in on it too because they knew what I was down there.

Q. They knew you were a CIO?

A. They knew I was a CIO member, yes.

Q. All the time?

A. All the time.

Q. And you stayed there about 10 months after they knew you were CIO?

A. Yes.

Q. Working every day?

A. Not every day.

Q. Well, working all the time?

A. Well, I worked five days a week, that is what I usually worked.

Q. You were the financial secretary of the lodge?

A. Yes, sir.

Q. And were you quite active in the strike?

A. I had to be. I am an officer of the lodge.

Q. Do the pickets of the CIO get paid?

A. No, they do not, at the Corrigan-McKinney plant, no. That is out of the SWOC, they do not get paid.

Q. Do they get paid by anybody, or do you know?

A. No, sir, not for doing picket duty, no, sir.

Q. Well, do they get paid for doing anything?

A. Well, we have a relief system where we try to pay some of their bills for them, yes.

Q. Well, outside of that, do they get paid anything?

A. Not to my knowledge, they don't, no.

Q. You are the financial secretary?

A. I am the financial secretary, yes, sir. I should know if they get paid anything.

Q. Do you ever go out on the picket line yourself?

A. Do I what?

Q. Go out on the picket line?

A. Why, the first month of the strike I believe I was on the picket line every day, that is in an official capacity.

Q. Have you been on the picket line since then?

A. Not since the National Guard came in, no. They chased me out of the picket line.

Q. How often were you on the picket line? Until the Guard came in? They did not come in until July.

A. I was on the picket line five or six times a day, sometimes I stayed all night.

Q. At what plant?

A. Corrigan-McKinney.

Q. Did you ever carry a stick?

A. No, sir.

Q. Club?

A. No, sir.

Q. After the strike was called, was it that you went out on a strike?

A. Yes.

Q. You have not asked for your job back since then?

A. No, sir, I don't think it is any use for me to ask for my job back.

Q. Well, you are still out on strike, are you not?

A. I am still out on strike, still continue to be.

MR. DAY: That is all.

(Witness excused.)

MR. HOSKINS: Mr. MacMeans.

DAVID MAC MEANS

a witness called by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Hoskins) Will you state your full name?

A. David R. MacMeans.

Q. Where do you live, Mr. MacMeans?

A. 9416 Pratt Avenue.

Q. Have you ever worked for the Republic Steel Corporation?

A. I worked for the Republic Steel Corporation twice and hold ten year seniority.

Q. When did you start to work?

A. March 14, 1927.

Q. Is that in the old Corrigan-McKinney division?

A. Yes, sir.

Q. How long did you work there then?

A. I worked until sometime in May, 1932.

Q. Then when did your second period of employment start?

A. I started July 23rd, 1935.

Q. And worked how long?

A. Until the 22nd of May.

Q. Did I understand you to say that you carry ten-year seniority?

A. I was given vacation pay in 1936 for five years' seniority and I have vacation pay coming in 1937 of eight days. That is equivalent of ten years' seniority.

Q. What is your job down there, Mr. MacMeans?

A. I am a catcher.

Q. Catcher?

A. Yes, sir.

Q. Do you belong to the CIO?

A. I joined the CIO on the 29th day of April, 1937.

Q. Did you start wearing your button as soon as you joined?

A. No, sir.

Q. When did you start wearing it?

A. I was wearing—working day turn the week that I joined the CIO. The next week I was working at night.

Q. Did anyone say anything to you about the CIO button you were wearing?

A. Well, one of the boys came along and he said, "You are a hell of a CIO member." He said, "Why don't you put on your button and be like the rest of us?" "Well," I said, "I don't know," I said, "whether to put the button on or not."

A. "Well," he said, "Go ahead. Put it on. You don't need to be afraid. You haven't anything to be afraid

of." I said, "Certainly I haven't anything to be afraid of." So I put the button on and went across the mill and ran into Mr. Lauton.

Q. Who is Mr. Lauton?

A. Mr. Lauton is the night foreman.

Q. Go ahead.

MR. DAY: I want to object to the conversation with Mr. Lauton on the grounds already stated, no authority to act for or speak for the Respondent.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. Mr. Lauton said, "At last you have joined the Army, have you?" And I said, "Yes. Why shouldn't I join the Army? Everybody else belongs. Why shouldn't I?" He said, "You ought to have more sense than to belong to an organization of that kind." I said, "Well, the rest of the boys have joined and I think I will go along with the rest of them. I belonged to two or three armies now. This army is going to win. The rest have failed." I had numerous conversations with Lauton in regard to the C. I. O. and the Steel Workers Organizing Committee.

Q. Were these before or after the incident you just related?

A. Well, he talked to me about the C. I. O. before they come in. He said they had no business to come into the plant, that the Company should have kept them out before they had a chance to get in. Of course, he being the foreman and I only being an employee, I had to keep my mouth shut and take a chance. I thought that was the best thing for my own interests. A man sometimes has to keep quiet when he would like to say things that he knows would probably be carried to the higher-ups.

Q. Do you know Mr. Eckert?

A. Mr. Eckert is my foreman.

Q. Did you ever have any conversations with him about your membership in the C. I. O.?

MR. DAY: Same objection on the same grounds.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. Well, Mr. Eckert and I was pretty good friends. Mr. Eckert is 20 years older than I am and he classed me the same age as himself. He said, "You know we old fellows ought not to join an organization of that kind." I didn't say much about it at that particular occasion but later on, it was a week subsequent, about a week, I put my button on. I was on the afternoon turn. That was the week before the strike. It was some time about the week of May. Oh, I imagine around about, well, the week before the strike, anyhow, some time around about the 20th of May, he came in in the afternoon turn. He said, "I see you have got one of those God damn buttons on." I said, "Yes. What about it?" "Why," he said, "a man of your intelligence ought to have more sense than to put a button on like that." He said, "Furthermore, you are too old to have a thing like that on you." I said, "Why do you say that?" He said, "Well, you know, you have been through two or three strikes, you know what you get out of them. You know what that Lewis bunch is." I said, "Well, I see all the rest of the fellows around here" and there were eight or ten men standing there that had C. I. O. buttons on. "Well," I said, "all of these fellows have a button on." He said, "Well, that is up to them. They are a lot younger than you are." I said, "I don't see any difference. I have always taken care of my job and done my work." He said, "That is granted as far as that is concerned but when a man gets your age, you ought to use a little bit of judgment." I just laughed and walked away.

Q. Did you have any conversations with him after that time?

A. Why, the next week when we went on day turn, I went into the office one morning and Mr. Kredel was there. He asked me to sign a card for the Red Cross and donate a dollar, which I did.

Mr. Eckert was sitting there. He said, "That is not

the only money we are going to get out of you this week. We are going to get some more money." Well, I didn't know what it was all about. I didn't pay much attention to it. I got up and went back to my work and a couple of days later, I think it was, Wednesday at 11 o'clock in the morning, I was working, and the rougher came over and he said to me, "Louie wants to see you in the office." I said, "What does he want with me?" And he said, "You will find out when you get in there. You better get in there and see what he wants." So I handed the tongs to him and walked in the office and Eckert said to me,—well, there is a kneehole desk right there, quite wide, and the office clerk sat on one side and Mr. Eckert sat on the other side and I noticed that on the side that the office clerk was supposed to have been sitting, there was a pencil and a card and Mr. Eckert said, "How would you like to sign that card?" Then I said, "What card is that?" He said "that card that is on the table." He said, "Sit down and sign it." I said, "Why should I sign it? I belong to the C. I. O. I don't see why I should sign that. I don't know what it is in the first place." He said, "Why that is the Republican Employees Association."

Q. Mr.—Just a minute.

MR. DAY: We want the same objection to anything about the Employees Association already made.

TRIAL EXAMINER LINDSAY: Objection overruled.

MR. DAY: And for the same reasons.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. HOSKINS: Will you mark this Board's Exhibit 105 for identification?

Q. I show you Board's Exhibit for identification No. 105 and ask you if the card he asked you to sign at that time was similar to that one.

(Thereupon the document above referred to was marked Board's Exhibit No. 105 for identification.)

A. That is identical, the same kind of a card.

MR. HOSKINS: I offer that in evidence, Board's Exhibit 105.

MR. DAY: What is on the back?

MR. HOSKINS: That will be brought out in the further testimony. I will offer it without, if you wish. Do you have any objections?

MR. DAY: We object to that on the same ground we objected to anything else in connection with this organization.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception. Board's Exhibit 105 received in evidence.

(Thereupon the document previously identified as Board's Exhibit 105 was received in evidence.)

MR. HOSKINS: Miss Reporter, will you read to Mr. MacMeans where he was?

(Previous answer read by the Reporter.)

A. (Continued) I questioned him what the Republic Employees Association was. Who was behind it. He said, "Why the men are starting this of their own volition. It is going to be an outside organization" and I, of course, laughed again because I figured I am, I got to be very careful of what I do or say.

MR. DAY: I move that be stricken out, what he figured, we are not bound by what he figured.

A. Well, later on you will ask me all those things and I thought I would explain it to you in the first place.

MR. HOSKINS: Just a minute.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception. Go ahead.

THE WITNESS: Where was I, young lady?

(Answer read.)

A. (Continued) He further went on to say that he thought for my best interests it would be advisable for me to sign it. He needed somebody to start. He thought he

would pick on me to start it. I said, "Well, Louie, I been among the last to join the C. I. O. and if I have to join that, I will be among the last to join that." And with that I walked out of his office.

Q. Did you have any further conversations on that day about your membership in the C. I. O.?

A. Well, it seems to me it was that same afternoon he came along while I was standing talking to Mr. Bankey, who is Mr. Krause's assistant on the day turn, and he said, "I would not talk to that fellow if I was you, Carl, he is a Russian." I said, "What do you mean, a Russian?" He said, "You know what I mean." And he kept on going and the next day he said, "I always figured you were a pretty good fellow to get along with, to be with, but now I find out you are a good fellow to stay away from." He didn't give me an opportunity or chance to say anything to him that day; he just kept on walking.

Friday afternoon he said, "Well, I will be rid of you now." He said, "Next week you will be on the night turn and I won't see you again for four weeks." He said at that time, "You better make up your mind to join the Republic Employees Association." He said, "Because all of you fellows are going to belong to it before the end of May." "Well," I said, "maybe when all belong, I will belong."

Q. Now, were you working on the day the strike was called, Mr. MacMeans?

A. I was going to work at 11 o'clock that night.

Q. Did you go?

A. No. I put my working clothes into the car and started down to the mill, got down to the top of the hill and I found that the boys were all standing there and I asked what the trouble was and they said there was a strike on. Naturally I figured the best thing for me to do was to turn around and go home.

Q. Have you been back to the mill since then to try to get your job?

A. Well, as long as the strike was on and the condi-

tions in the Republic Steel Corporation's plant are such as they are, I am not going back until the strike is settled.

Q. Has anybody been to your house to try to get you to go back?

A. Well, Bankey came to my house one day and he left his address on the back of some night club card to give to me.

Q. Who is Mr. Bankey?

A. He is first assistant roller on the day turn. He is the man who is able to recommend the hiring and firing of men to the foreman, Mr. Eckert.

MR. DAY: I move to strike it out.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Did anybody else come to your house?

A. Mr. Eckert came to my house several weeks after the strike was on, I was on night picket duty, and there was a man by the name of Kavanaugh, and I just came home about 1:30 or 2 o'clock in the afternoon and I was pretty tired and I thought I would get a couple of hours rest and we live all on one floor, I was laying there, I couldn't go to sleep. I was really too tired to sleep but I heard somebody rap on the door and the wife wanted to know what he wanted and he said, "Is Dave home?" My wife said, "Yes, he is laying down." He said, "What is he doing?" She said, "He is on picket duty." He said, "What is he doing that for?" My wife said, "Well, he is on strike. He figures he has a right to do picket duty." He said, "Is he getting paid for it?" My wife said, "No, he is not getting paid for it." He said, "I understand that pickets get a dollar and a quarter a day."

MR. DAY: Who was this?

THE WITNESS: Kavanaugh, night roller.

MR. DAY: I object. Kavanaugh has no authority.

THE WITNESS: Kavanaugh has the right to recommend the men.

MR. DAY: I object to it.

TRIAL EXAMINER LINDSAY: Overrule the objection; let the record show an exception.

Q. Go ahead.

A. My wife invited him to come into the room and she came into the bedroom and she said to me, "There is a man here that wants to see you." I said, "I heard him." She said, "Do you want to talk to him?" I said, "Yes, I will come out and talk to him." He said, "Well, I better go downstairs and get Louie to come up." Well, I got up and dressed; in the meantime, Mr. Eckert and Mr. Kavanaugh had come back upstairs and I walked into the room and Kavanaugh was smoking a cigarette and I said, "Give me a cigarette, Bill, will you?" And he pulled a cigarette out of his pocket and Mr. Eckert pulled a nice cigar out of his pocket and lit it up and started to smoke. I said, "Well, Louie, what can I do for you?" "Well," he said, "I have got a little petition here in my pocket I would like to have you sign." I said, "What is it all about?" "Well," he said, "we want you fellows to come back to work. You want to come back to work, don't you?" "Certainly I want to go to work. Why not? I don't mind working. I have to earn a living." He said, "It doesn't make any difference about your C. I. O., you can still be a C. I. O. man and sign this petition and go back to work. We don't want to break any picket lines. In fact," he said, "I would not break a picket line." He said, "You know when fellows get as old as you are, they ought to use a little judgment about what kind of organizations they join." I said, "Let me look at that petition, will you?" At last I looked at it and I saw 10 or 15 names, organization men who was still on strike. I think the majority of fellows whose names was on the petition are still out. I said, "I don't see why I should sign this, Louie." He said, "All it says on here, 'We, the undersigned employees of the Republic Steel Corporation want to go back to work.'" I said, "I want to go back to work but I want to go back to work under

Union conditions, when conditions are better than they have been in the plant." "Well," he said, "You know how it is. We got to get this list of names here, get you fellows started, so we can get going and let those fellows fight it out down in Washington. Let the Government and C. I. O. fight it out. They are the ones who should fight it out, not the working men." I said, "Well, I don't know about that." He said, "You know how it is. Now," he said, "when you go back," he said, "maybe whether you go back under the C. I. O. or whether you have to go back without the C. I. O.," he said, "chances are you are pretty old and the chances are you will have to take a physical examination." "Well," I said, "I don't know. I was physically able until the 26th day of May" and I said, "I am still physically able." I said, "I always did my work. I was never drunk and I never lost any time." I said, "That is proven by the Republic Steel Corporation's recognizing my seniority under the Corrigan-McKinney system." "Well," he said, "if I were you, I would sign that, because they are liable to find some flaws in you. You know what that means. It don't take much to find flaws in a fellow when he gets up a little bit." He said, "You know fellows like you and me are not as young as we used to be." I said, "Well, I would like to have three or four days to think that over, Louie." My wife turned to me and she said, "If I were you, I would sign it." I said to her, "Grace, you don't know what this means." I said, "I do. I have been through this same kind of thing before" and I said, "If I sign this paper, why I am signing my rights away" and I said, "These men who have signed it, have signed it under duress. The only reason they have signed it, they are afraid they are going to lose their jobs if they don't." I said, "I think this much of the National Labor Relations Board, I don't have to sign it and still I won't lose my job." She said, "If you feel that way, you better consider it." I said, "You better give me your name and address, Louie, and I will think it over." He handed me a card

with his name and address on it. I think it is 13 Magnolia Drive, Euclid Beach.

Q. I show you Board's Exhibit 105 and ask you if that is the card he gave you?

A. Yes, sir. He said he was staying at Euclid Beach at that time. That was some time in the latter part of June.

Q. Do you know Mr. Lohman?

A. Mr. Eckert reports of our conversation, he said to me, "You know Lohman, don't you? You know how many men he signed up in the Union?" And he said, "You know what he turned out to be." He said, "He turned around and gave all the fellows' names to the Company." I said, "Oh, yes, that is the fellow that had that to break the strike for you."

MR. DAY: I object to this.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. I said, "That is the fellow that helped to break a strike for you in 1919 and then as soon as you could replace him with a good man, you let him go," and he said, "That is right. That is the fellow."

Q. Was that about the end of your conversation with Mr. Eckert that night?

A. I had so many conversations with him regarding Unionism and so on that it is pretty hard for me to remember everything that he did say to me.

Q. Going back for a moment to this card you were asked to sign, which has been introduced as Board's Exhibit No. 105, which refers to Republic Employees Association, has this Association held any meetings?

A. Why, it seems to me as though they held two meetings. Of course, right at that particular time I was not either interested in the C. I. O. or interested in the Company organization. They posted notices through the mill in regard to these Republic Employees Association meetings and I just didn't bother to attend them but I know

that on two different occasions they had notices up on the bulletin board in the mill.

Q. Did you read those notices?

A. Yes, they said that—one meeting was to be held in the hall on Broadway, corner of Finn Street and the other one was to be held at the company garage.

MR. HOSKINS: That's all.

MR. DAY: We move to strike out all conversations between this witness and Eckert, and between this witness and Cavanaugh, between this witness and Lawton, for the reasons stated in the objections to those conversations.

TRIAL EXAMINER LINDSAY: The motion is denied, let the record show an exception.

Cross Examination

Q. (By Mr. Day) Mr. MacMeans, you joined the CIO in April, 1937?

A. The 29th day of April, 1937, yes, sir.

Q. And did you work for Republic until the strike, May 26th?

A. Yes, I did.

Q. And then when the strike came on, you went out on strike?

A. Yes, sir.

Q. And have you been active on the picket line?

A. Mister, will you please define what you mean?

Q. Have you been out on the picket line?

A. You define "picket line" to me.

Q. Have you been out on the picket line?

A. First, you define what you term "picket line" and then I will tell you what I have done.

Q. No, I think I want you to answer that question, whether you have been out on the picket line. I am not

going to define it unless the Examiner says I have to. I think "picket line"—

A. I don't understand what you mean by "picket line."

Q. I think "picket line" has a well-known meaning.

A. First I want to know whether you mean the picket line right at the gate.

MR. DAY: Will you read the question to the witness, please?

(The last question read by the Reporter as follows: Q. Have you been out on the picket line?)

Q. That is my question.

A. I have never picketed at any gate except one.

Q. And when was that?

A. And I never carried a club and I never had a stone in my hand.

Q. When was it that you picketed?

A. Well, I picketed the main gate.

Q. And when was that?

A. That was—Oh, I couldn't give you the date, I don't just exactly know the date.

Q. Corrigan-McKinney plant?

A. Yes, sir.

Q. Well, have you acted as picket any place else since the strike started?

A. Why, every man that was—

MR. HOSKINS: I object, if the Court please, just a moment.

MR. DAY: What is the objection to that?

A. Because I was—

MR. HOSKINS: Just a minute.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

MR. DAY: Exception.

A. I was not actively engaged on the picket line.

Q. My question is—

A. I was detailed at the commissary, that is why I asked you to define "picket."

Q. Where was the commissary located?

A. The commissary is located at 4336 Broadway.

Q. How far is that from Corrigan-McKinney plant?

A. Well, I should say that is a good 500 yards from the Corrigan-McKinney plant.

Q. Were you there most of that time?

A. Yes, sir, I was there every night.

Q. And since the strike has been called, you have not asked for your job back, have you?

A. Well, I am still on strike.

Q. And you haven't asked?

A. My job is still there.

Q. You haven't asked for your job back, have you?

A. I don't need to ask for my job.

Q. Well, you haven't asked for it, have you?

A. Certainly not. Why should I?

MR. DAY: That is all.

THE WITNESS: Thank you.

MR. DAY: You are welcome.

(Witness excused.)

(The documents above referred to were marked as Board's Exhibits Nos. 106, 107, 108, and 109, for identification.)

MR. LAUTER: I offer Board's Exhibit for identification 106 in evidence, as Board's Exhibit 106, consisting of a certified statement filed with the Securities Exchange Commission by Republic Steel Corporation on June 30th, 1937.

I offer in evidence as Board's Exhibit 107 the document marked Board's Exhibit 107 for identification, being a certified copy of a statement filed with the Securities Exchange Commission by the Republic Steel Corporation on May 20, 1935.

I offer in evidence as Board's Exhibit 108 a document marked as Board's Exhibit 108 for identification, being a certified copy of a statement filed with the Securities Exchange Commission by Republic Steel Corporation on October 21, 1936.

I offer in evidence Board's Exhibit 109, a document marked Board's Exhibit 109 for identification, being certified copy of a statement filed with the Securities Exchange Commission by Republic Steel Corporation on March 8, 1937.

MR. DAY: May I inquire the purposes of offering these exhibits?

MR. LAUTER: The exhibits speak for themselves, they are a statement of the nature, business and activities of the corporation, the corporate set-up, and other data contained therein. I might point out for the record that respondent specifically denied that it was engaged in inter-state commerce. It is in connection with the nature of the business, activities of the respondent, that these exhibits are being offered.

MR. DAY: In the first place, we object—respondent objects to Board's Exhibits 106 on the ground that in the form presented, it is not admissible in evidence. And second, upon the ground that the contents of the exhibit have no relevancy to any issue presented by the complaint or the answer in this case.

TRIAL EXAMINER LINDSAY: May I see it?

MR. DAY: And third, upon the ground that the exhibit does not, of itself, in the form presented, prove or furnish prima facie proof of the facts stated therein.

TRIAL EXAMINER LINDSAY: Well, you do not contend, Mr. Day, that your company gave misleading facts?

MR. DAY: Oh, no.

TRIAL EXAMINER LINDSAY: To the Commission?

MR. DAY: Oh, no, no. Now that question has been asked—

TRIAL EXAMINER LINDSAY: Well, the objection is overruled to all of them. Let the record show an exception. That Exhibit 106 is received in evidence.

(The document previously marked as Board's Exhibit No. 106 is received in evidence.)

MR. DAY: Let the record show that the Examiner has asked me whether I claim that the Republic Corporation has given misleading facts in that exhibit, and I certainly do not claim that, and I cannot think of anything I have said in the objection to convey that impression.

TRIAL EXAMINER LINDSAY: Well, I got it from one of your statements, and if I got it wrong, I am sorry.

MR. DAY: Yes, well, all right.

TRIAL EXAMINER LINDSAY: I will also state that in the record.

MR. DAY: We make the same objection on the same grounds to Board's Exhibit 107, Board's Exhibit 108, Board's Exhibit 109.

TRIAL EXAMINER LINDSAY: The objections are overruled, Board's Exhibits 107, 108, 109 are received in evidence.

MR. DAY: Exception. Let the record show that we object on the general ground that each and every one of those exhibits are incompetent, irrelevant, and immaterial and have no bearing upon any issue presented in this hearing.

TRIAL EXAMINER LINDSAY: Let the record show that the objection is overruled and the Respondent has an exception.

MR. DAY: And may I have a motion to strike

out and exclude each of the exhibits upon the same ground?

TRIAL EXAMINER LINDSAY: Let the record show that the motion is denied, and exception.

MR. DAY: Now, to be specific, in view of the statement made by counsel for the Labor Board, we object to these exhibits and to each of them, upon the further ground that they do not tend in any way at all to show or prove that the respondent is engaged in inter-state commerce or foreign commerce.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

MR. DAY: Exception.

(The documents previously marked as Board's Exhibits Nos. 107, 108, and 109, were received in evidence.)

(The documents above referred to were marked as Board's Exhibits Nos. 110, 111, and 112, for identification.)

MR. LAUTER: I offer in evidence Board's Exhibit 110 and 111, two documents marked Board's Exhibit 110 for identification, and Board's Exhibit 111 for identification.

MR. DAY: Well, now, this Board's Exhibit No. 110 we object to it on each and all of the grounds already stated in the record with relation to the other exhibits just admitted, and upon the further ground that this appears to be some report of Standard Corporation records, published June 7, 1937, by Standard Statistics Company, Inc., and the respondent cannot possibly be bound by any statement in that publication. It is in no way responsible for it.

TRIAL EXAMINER LINDSAY: The objection is overruled, let the record show an exception.

MR. DAY: Exception. And may it show a motion to strike, on the same ground?

TRIAL EXAMINER LINDSAY: Wait until we

get through admitting it first. Objection overruled, let the record show an exception. Board's Exhibit No. 110 is received in evidence.

(The document previously marked as Board's Exhibit No. 110 is received in evidence.)

MR. DAY: And a motion to strike out and exclude Board's Exhibit 110 is now made upon the same grounds stated in the objection to it.

TRIAL EXAMINER LINDSAY: Motion denied. Let the record show an exception.

MR. DAY: Exception. I now make the same objection on the same grounds to Government Labor Board's Exhibit No. 111.

(The record was read by the Reporter.)

MR. LAUTER: I do not think there is a statement about the admission of Exhibit 111.

MR. DAY: That is the next thing he is going to read.

TRIAL EXAMINER LINDSAY: All right, the objection is overruled. Let the record show that Board's Exhibit No. 111 is received in evidence.

(The document previously marked as Board's Exhibit No. 111 is received in evidence.)

MR. DAY: Exception. And the respondent now makes the motion to strike out and exclude Board's Exhibit 111 upon the same ground stated in the objection to its admission.

TRIAL EXAMINER LINDSAY: The motion is denied. Let the record show an exception.

MR. DAY: Exception.

MR. LAUTER: I now offer as Board's Exhibit No. 112 a document marked at present Board's Exhibit for identification 112.

MR. DAY: I want to object to this, Board's Exhibit 112, on the ground that it is incompetent, irrelevant, and immaterial as evidence in this case; that

it has no relation to or bearing upon any issue presented by the complaint or by the complaint and the answer filed thereto; that there is no evidence to connect it with the respondent in any way, as making the respondent responsible for it, or to show that the respondent authorized or ratified it, or that we had anything to do, any chance to examine it or anything to do with it.

MR. LAUTER: Let the record show that opportunity to examine it—

MR. DAY: Well, I mean—opportunity to examine it now, yes, I am looking at it now. There is nothing to show that the respondent had any participation in these proceedings here.

MR. LAUTER: I do not know what Mr. Day is referring to when he says, "these proceedings." This is a document being offered as an official publication by the Government printing office of the United States Government.

MR. DAY: This is a summary of evidence introduced at a hearing before the National Labor Relations Board, bearing upon the factual status of the National Labor Relations Act, and the reasonableness of the regulations embodied therein. We certainly had nothing to do with this hearing, were not present, were not notified, did not cross examine or take any part in it. We certainly object to this upon all those grounds, and on the ground that I cannot see how we can be made responsible for that, or what it has got to do with the case.

TRIAL EXAMINER LINDSAY: The objection is overruled; let the record show an exception. Board's Exhibit 112 is received in evidence.

(The document previously marked as Board's Exhibit 112 is received in evidence.)

MR. DAY: Exception. Then the respondents

move to strike out and exclude Board's Exhibit 112 upon the same grounds stated in the objection to it.

TRIAL EXAMINER LINDSAY: The motion is denied, let the record show an exception.

MR. DAY: Exception, and Respondent gives notice at this time that if the matter referred to on the front page of this exhibit is to be considered a part of this case, we respectfully reserve the right to be heard upon that subject in our defense.

MR. LAUTER: At this time, if it please the Examiner we respectfully call your attention to Board's Exhibit 112, pages 57 to 70.

MR. DAY: Well, now, to the extent that this was called to the attention of the Examiner specifically and separately by counsel, we object to that being received and considered by the Examiner or the National Relations Board, upon the grounds already stated in our objections to the exhibit and our motion to strike it out.

TRIAL EXAMINER LINDSAY: Well, one at a time. Now, the objection is overruled and let the record show an exception.

MR. DAY: Exception.

TRIAL EXAMINER LINDSAY: And your motion to strike out is denied and let the record show an exception.

MR. DAY: Exception.

MR. LAUTER: At this time, if you please, Mr. Examiner, I move to amend the complaint by striking out from paragraph four—

TRIAL EXAMINER LINDSAY: May I have that complaint up here? Paragraph four?

MR. LAUTER: That is right. The following names: Joseph L. Corey, Peter Fontes, Charles Bikoski, Tom Douglas, Michael Wucinick.

MR. DAY: We object.

MR. LAUTER: I move to amend the complaint

further by striking from paragraph five of the complaint the following names: Feim Bezo and Paul Poulos.

I move to amend the complaint further by striking from paragraph six the following names: James R. Airwyke.

I move to amend the complaint by striking from paragraph seven the following names: Nicko Brnicevich, Vergo Cernan, John Cholas, Tom Dean, Steve Kohlis, Guy Kovacevich, and William Peak.

I move to amend the complaint further by striking from paragraph eighteen the following names: Anthony Pasquale, John M. Carnahan, William Shank, Sam Maros, Douglas Lee, Frank Cykon, Jr., Paul Lomplak, John Siska, Walter L. Bingham, Gerald Driscoll, and Henry Redmond.

I move to amend the complaint further by striking from paragraph No. 20 the following names: Frank J. Barany, John Bochu, Dan Bott, Walter Burke, Gustav Robert Carlson, John E. DeLong, Robert Dunker, James Filbert, Daniel Foley, Ernest M. Franks, Frank Higgins, Julius Ignat, John J. Janci, Westley I. Kennedy, John Klasosky, Joseph C. Miller, and Andy L. Petrencik and Martin Petrencik, Rok Prus, Walter Raithel, Mike Romonko, Louis Schettler, Gilbert Shirey, Ernest Sotiros, Joseph Talley (Tulley), Vasile Urs, Gust Valantasis, Draia Vasile, Joseph S. Voytko, Joseph C. Voytko, Arja C. Wagner, and Mat Yosenaric and James Yurchison and Joseph Yurchison.

MR. DAY: What is the motion that is before the Examiner?

(The motion was read.)

MR. DAY: We object to the complaint being amended as prayed for, and ask that the complaint be dismissed as to the persons named by the counsel for the National Labor Relations Board.

(The motion was read by the Reporter.)

MR. LAUTER: Well, I would like to have a ruling on my motion. I object to having a motion made to dismiss with respect to these names, on the ground that I do not wish at this time to have the complaint amended by dismissing the cases with respect to these particularly named individuals. They are merely being withdrawn from this action. Mr. Day's amendment to my motion, if permitted to be received by the Examiner and ruled favorably upon, would affect the named individuals, preventing us from proceeding before the Board with respect to their respective cases.

MR. DAY: I want to call to the Examiner's attention the fact that there has been a hearing upon the complaint as to the men whose names he has read into the record.

MR. LAUTER: There has been no hearing on any of these cases, if you please, no evidence of any kind has been offered with respect to the particularly named individuals.

TRIAL EXAMINER LINDSAY: I will grant your motion to strike them from the complaint and overrule the objections of the respondent's attorneys, and let the record show an exception.

MR. DAY: Exception. And you further overrule our motion to dismiss the complaint as to each and all of those whose names were read into the record by Mr. Lauter?

TRIAL EXAMINER LINDSAY: Yes, it is merely that they are stricken from the complaint.

MR. DAY: All right, we except.

MR. LAUTER: At this time I should like to reserve the right to introduce testimony pursuant to a subpoena duces tecum issued on the Fidelity Casualty Company of New York, that subpoena issued sometime ago has not been honored as yet. It is my plan to send

them a wire advising them that unless they honor the subpoena within a reasonably short time, we shall proceed immediately to enforce the subpoena.

MR. DAY: Might I ask whether that is at Canton or Youngstown?

MR. LAUTER: Well, I intend to send them the wire on the subpoena at Canton, to the effect that if they should find coming from New York to Canton would be a little more difficult than coming to Cleveland, I should like to reserve my right to introduce that testimony, prior to the determination of this case, at any time.

TRIAL EXAMINER LINDSAY: Yes, well, as I understand it, you are resting your case at the present time, subject to the right to produce this particular type of testimony to which you have referred?

MR. LAUTER: That is correct, Mr. Examiner, and as soon as I have finished reserving my right, it is my intention to rest my case before the Board.

TRIAL EXAMINER LINDSAY: Yes, I can see no reason for objecting to that. Then, of course, you also reserve the right to put in rebuttal, if you so desire.

MR. LAUTER: Yes.

MR. DAY: We would like to give notice at this time that before starting with our defense in Canton on Wednesday, we would like and we will submit to the Examiner a written motion to dismiss.

TRIAL EXAMINER LINDSAY: You will submit at that time?

MR. DAY: We will at that time, yes.

TRIAL EXAMINER LINDSAY: When I call the hearing to order at Canton?

MR. DAY: Yes, your Honor.

TRIAL EXAMINER LINDSAY: You will make that motion to dismiss?

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: The hearing is now adjourned until 10 o'clock a. m. Wednesday, September 1st, to the County Courthouse at Canton, Ohio, at which time the respondent company will be permitted to start its defense; that is, we will reconvene this hearing at Canton, Ohio, Wednesday, at 10 o'clock a. m., September 1st at the Courthouse, courtroom, No. 2 in Canton, Ohio.

(Whereupon, at 5:10 o'clock p. m., August 30, 1937, the hearing in the above-entitled matter was adjourned to 10 o'clock a. m., September 1, 1937.)

Courtroom No. 1
Stark County Courthouse
Canton, Ohio
Wednesday, September 1, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., and H. C. Pontius, Esq. (Canton, Ohio.)

(Thereupon, at 10 o'clock a. m. Wednesday, the 1st

day of September, 1937, counsel for Respondent filed with the Examiner the following written motion to dismiss complaint and the charges therein contained:)

MOTION BY RESPONDENT, AT THE CONCLUSION OF THE EVIDENCE INTRODUCED BY THE NATIONAL LABOR RELATIONS BOARD, TO DISMISS COMPLAINT AND THE CHARGES THEREIN CONTAINED

Now comes Republic Steel Corporation, the respondent herein, and, at the conclusion of the evidence introduced by the National Labor Relations Board in support of the complaint herein, moves the National Labor Relations Board and the Trial Examiner to dismiss the complaint herein and each and all of the charges therein set forth, for the following reasons, to wit:

1. The evidence introduced in support of the complaint herein does not establish nor tend to establish that, at the time of the occurrence of the alleged unfair labor practices complained of, or any of them, the respondent was engaged in inter-state or foreign commerce.

2. The evidence so introduced does not establish nor tend to establish that any of the alleged unfair labor practices complained of occurred in or directly affected interstate or foreign commerce, or imposed a burden upon or obstructed the flow thereof.

3. The evidence so introduced does not establish nor tend to establish that any of the persons mentioned in the complaint herein was engaged in interstate or foreign commerce or in acts or conduct which directly affected such commerce, or imposed a burden thereon or obstructed the flow thereof.

4. The evidence so introduced does not establish nor tend to establish that any of the acts complained of caused or created a labor dispute.

5. The evidence so introduced does not establish nor tend to establish that the Steel Workers Organizing Committee, which filed the charges upon which the complaint is predicated, is a labor organization as defined by Section 2, Subdivision 5, of the National Labor Relations Act.

6. There has not been introduced any competent or relevant evidence establishing or tending to establish that the respondent did in fact commit or attempt to commit any of the acts described in the complaint and alleged to be unfair labor practices upon its part.

7. The evidence so introduced does not establish nor tend to establish that the respondent has in fact engaged in any unfair labor practice in violation of the National Labor Relations Act.

8. The National Labor Relations Board, upon the evidence so introduced, has no jurisdiction to consider or determine any of the charges set forth in the complaint herein.

9. Any order or finding against the respondent, upon the evidence so introduced, would deny to the respondent due process of law.

REPUBLIC STEEL CORPORATION,

Respondent,

By (sgnd) T. F. PATTON,

LUTHER DAY,

THOS. F. VEACH,

Attorneys for Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order and I think the record shows that we adjourned to courtroom No. 2 in the County Courthouse at Canton, Ohio. It has been changed this morning, from room No. 2 to room No. 1, so that we are now holding the hearing in courtroom No. 1 of the County Courthouse.

MR. DAY: I would like to file before the Examiner and before the Labor Board, and place in the record, a motion by respondent to dismiss. I have already given copy to counsel for the Labor Board.

(Counsel submits written motion.)

TRIAL EXAMINER LINDSAY: The motion to dismiss the complaint is denied.

MR. DAY: Note an exception. We now repeat all of the motions to strike evidence which have heretofore been made and which have thus far been overruled.

TRIAL EXAMINER LINDSAY: Your motion is denied. Let the record show an exception.

WALTER SCHLAUPITZ

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.
A. Walter Schlaupitz.
Q. Where do you live?
A. 1813 Tuscarawas Street, Canton, Ohio.
Q. What is your occupation?
A. Commercial photographer.

Q. I will show you a photograph marked Respondent's Exhibit No.—It says "Board's Exhibit." It ought to be Respondent's Exhibit.

MR. LAUTER: Yes.

MR. DAY: Mark that Respondent's Exhibit No. 3.

(The document above referred to was marked as Respondent's Exhibit No. 3 for identification.)

Q. I show you Respondent's Exhibit No. 3 and ask you whether or not you took that photograph?

A. Yes, sir.

Q. When did you take it?

A. July 20, 1937.

Q. And is that photograph a correct representation of what it shows there?

A. It is.

MR. LAUTER: One second. I object to the form of the question and move that the answer be stricken. I have made a motion.

MR. DAY: He objected to the question.

(The last question and answer was read by the Reporter.)

MR. LAUTER: I object to that question and move that the answer be stricken out.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

MR. DAY: That is all.

This photograph has already been offered in evidence as Respondent's Exhibit 3 before the Labor Board, but some question was raised about it, so we called the photographer in.

TRIAL EXAMINER LINDSAY: Was it received in evidence?

MR. DAY: The record shows that it was received in evidence.

Cross Examination

Q. (By Mr. Lauter) When did you say you took this photograph?

A. July 20, 1937.

Q. Who requested you to take the photograph?

A. Republic Steel.

Q. Who at Republic Steel requested you to take the photograph?

A. I believe his name is Mr. Coldren.

Q. What did they ask you to take a photograph of?

A. I think it was Cleveland Street and Oberlin Road.

Q. Did they ask you to take a photograph of the street?

A. The surroundings there in that territory.

Q. Were any of the Republic officials with you when you took the photograph?

A. Mr. Coldren.

Q. Did he suggest to you the angle that you ought to take the picture from?

A. Well—

Q. You understand my question, don't you?

A. The angle that he wanted?

Q. That is right.

A. He showed me the spots from where they were to be taken.

Q. Did he ask you to take a photograph of strike headquarters?

A. No.

Q. Do you know where the strike headquarters are in this picture?

A. Yes, sir.

Q. He did not ask you to take a photograph of strike headquarters?

A. No.

MR. LAUTER: That is all.

(Witness excused.)

MR. DAY: Mr. Oberlin.

FRANK L. OBERLIN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) How do you spell your last name?
A. O-b-e-r-l-i-n.
Q. And your first name?
A. Frank L.
Q. Where do you live?
A. 410 Korman Avenue, Northeast, Canton.
Q. Where are you employed?
A. Republic Steel Corporation.
Q. In what capacity?
A. Field engineer.
Q. How many years' experience have you had as field engineer?
A. I have worked for the Republic and its predecessors for 23 years and one month.
Q. Did you make a map, which has been introduced in evidence here and marked Respondent's Exhibit 1?
A. I gathered the data for this map and supervised the making of it in our drawing room.
Q. And the map was made from what data?
A. It was made from the southwest quarter of Section 17, Stark County Engineer's maps on file in the Engineer's office in the County Court House here, and map of the City of Massillon on file in the City Engineer's office at Massillon.
Q. You say it was made under your supervision?
A. That is right.
Q. Is it a correct representation of what it purports to show?

MR. LAUTER: Object to the form of the question.

A. I would say it was.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

Cross Examination

Q. (By Mr. Lauter) How long did you say you were a field engineer?

A. For the Republic and its predecessors, 23 years and one month.

Q. Are you familiar with the area described on this map?

A. I am.

Q. Do you know where the strike headquarters were of the S. W. O. C. during this strike?

A. I know where the building is.

Q. That is what I am asking.

A. Yes.

Q. Do you know where the headquarters are of the Republic Steel Corporation?

A. I do.

Q. When you look from the headquarters of the Republic Steel Corporation to the headquarters of the S. W. O. C., is there anything to block your vision?

A. Not to my knowledge.

Q. You can see from one to the other, is that correct?

A. I would say so.

Q. No obstructions of any kind?

A. No.

Q. Show me the headquarters of the S. W. O. C.

A. It is described on the map as the third lot north of the Republic Steel property, Lot No. 3.

Q. Where are the headquarters of the Republic Steel District Office?

A. Here (indicating).

Q. Now, if you were to look from the Republic Steel District Office to the S. W. O. C. headquarters, is there anything to block your vision?

A. I would not say at any time. You would have to be on the side facing the headquarters.

Q. I am asking you if on this map it does not appear there is something to block your vision?

A. I can see nothing that would block your vision.

Q. Any lines on there which appear to obstruct the vision?

A. No lines on there to my knowledge. They were put on by our Engineering Department under my supervision. There are the street or alley lines.

Q. Do you know if the lines south of Lot 4129 indicate a street?

A. Public alley. It is a 20-foot public alley north of the Republic Steel property as shown on the record of the City Engineer's office at Massillon.

Q. Do you know whether that is paved or not?

A. It is not.

Q. Do you know whether there is grass growing there?

A. I could not say.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. DAY: Mr. Case.

D. W. CASE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Case, D. W.

Q. Where do you live?

A. Massillon, Ohio.

Q. How old are you?

A. 59 years yesterday.

Q. What is your occupation?

A. I am Manager of the Chamber of Commerce, Secretary.

Q. At Massillon?

A. At Massillon.

Q. How long have you held that position?

A. 14 years, since the—since 1923.

Q. Have you resided in Massillon during all that time?

A. Yes, sir.

Q. Were you in Massillon during the months of April, May, June and July of this year?

A. Yes, sir.

Q. Were you aware of the calling of the strike in Massillon?

A. I was.

Q. About May 26th?

A. I was.

Q. At that time did you hold the same position that you now hold?

A. I did.

Q. After the strike or about the time of the strike, were you a member of the Citizens Committee?

A. No, I was never a member of the Citizens Committee.

Q. Well, were you a member of some group of citizens that took some part in the matters relating to the strike?

A. Well, I was secretary of the Chamber of Commerce, there. I worked with a group.

Q. And about when was that group called together, if you know?

A. Sometime shortly after the strike was called, a

small group was—different groups were called together.

Q. What groups were called together of which you were a member or to which you belonged?

A. Well, I functioned as secretary of the Chamber of Commerce and various groups were called in.

TRIAL EXAMINER LINDSAY: Just a minute, Mr. Day. I think this man testified that he did not belong to any group.

MR. DAY: Well, I know he did not belong to any particular group as such, but the record already disclosed his activities in connection with the strike in certain phases.

A. I generally functioned as secretary of those various groups that were called in, advisory groups.

Q. Well, of what groups did you function as secretary in connection with the same?

A. What we called the Citizens Committee.

Q. And when was that Citizens Committee organized or called together, and when did it come into existence?

A. I believe along about May 27th or 28th, the nucleus of that committee was called together, the first part of it.

Q. Will you tell the Trial Examiner the circumstances under which that took place?

A. That group grew out of conferences that were held with various business people around the town, and out of a meeting of the board of directors at which the question of organizing some kind of a committee and finding out some of the particulars about the strike situation, came up, and finally grew definitely out of the fact that the committee or group in its preliminary stage took the matter of the local situation up with various civic groups and those various civic groups—that committee was added to and those various civic groups approved that committee as a sort of hearing committee with the various civic organizations of the city, to keep them informed about the developments.

Q. And who were the members of that group or com-

mittee you are now telling us about, at the time of its organization or at its inception?

A. Well, it had at its inception, Mr. J. Lester.

Q. What is his business?

A. He is president of the Massillon Rubber Company in Massillon.

Q. All right.

A. And Mr. Glen Lanham.

Q. What is his business?

A. He is manager of the Erie Chevrolet Sales. Mr. C. E. Boyd, he is a contractor.

Q. All right, who else?

A. I believe Mr. C. M. Shaffer was one of the original—

Q. How do you spell his name?

A. S-h-a-f-f-e-r, I believe. I have the names of that committee here.

Q. If you have them, let me have them.

A. I jotted them down last night. I believe I have them. The citizens committee as at first—as it was first developed was Lester, Boyd, Mr. J. A. Schaidnagle.

Q. What was his business?

A. He is an undertaker, funeral director. Mr. A. A. Ulrich was on that committee.

Q. How do you spell that?

A. U-l-r-i-c-h, he is manager of the Ohio Public Service Company, local resident manager. Mr. Lanham. Mr. J. H. Klinge.

Q. What is his business?

A. He is an official—I don't know just what his business position is, he was formerly an accountant and now an official of the Ohio Public Service Company, local official. Mr. C. M. Shaffer, a lumber dealer, and also Mr. L. B. Beamer was on the original committee.

Q. How do you spell that?

A. Of the Ohio Bell Telephone Company—B-e-a-m-e-r. Then the subsequent additions were Mr. J. V. Hall.

Q. Give the business of each of these men, will you please?

A. He is secretary of the First Savings & Loan Company at Massillon. Reverend C. D. Hess, he is minister at the Methodist Church at Massillon. Mr. G. D. Preshaw, he is a director of Roe Hill Cemetery, and Mr. Tom Poll, well driller. That constituted the entire group, these last four names, after some little time, elapsed.

Q. After the group was organized what, if anything, did they do?

A. Well, for some little time they held various meetings to try to find out what to do. They considered the various phases of the strike situation as they affected Massillon; held various conferences with the city officials, with the Mayor, Chief of Police, consulted with the board of directors of the Chamber of Commerce and members of other civic organizations, sort of kept their ear to the ground to see what was going on.

Q. You say you acted as secretary of that committee?

A. Yes, sir.

Q. Was there anybody that acted as chairman, or anything of that kind?

A. There was finally a chairman, one of the group took the chairmanship. The group was sort of informal and functioned without a chairman up until somewhat late in the proceedings. Mr. J. G. Lester assumed the chairmanship. I think that was along about the 17th or 18th, if I remember correctly.

Q. Of what month, June?

A. June, I believe that is the date. I don't recall the dates, Mr. Day.

Q. Do you recall a meeting of your committee—the committee of which you were secretary—and if I call it "your" committee, please understand I mean the committee of which you were secretary?

A. Yes.

Q. At the Conrad Hotel at Massillon, on May 28th?

A. I do.

Q. Who called that meeting?

A. That meeting was called by the Chamber of Commerce. We called it from our office.

Q. Did the Chamber of Commerce take part in the consideration of any of the phases of the strike, as a body?

A. No, only discussions as to the effect the situation, as it had developed at Massillon, was having upon the community.

Q. State what, if anything, the Republic Steel Corporation had to do with the organization of that committee?

A. I don't know of anything that they definitely and directly had to do with it, officially.

Q. May 28th, at the Conrad Hotel, about what time of the day did that meeting take place?

A. I believe it was either 7 or 7:30 in the evening.

Q. About how many were there?

A. Oh, I would say about 20, possibly 25.

Q. Were any city officials there?

A. Yes.

Q. What city officials were there?

A. City Solicitor Mr. Hardman and Chief of Police Stanley Switter.

Q. Were members of the committee you named a while ago there, or most of them?

A. No, there was no committee, I believe, at that time, but some of the individuals who later became members of the committee were there.

Q. Can you name just some of those who were there?

A. Well, Mr. Lester was there, Mr. Hall was there. I can't be positive about other members of the committee who were there.

Q. Now, just tell the Trial Examiner, please, what took place at that meeting.

A. I think Mr. Lanham was there.

Q. Yes.

A. Mr. Lanham—well, the meeting proceeded along

the lines of the reason—of the program which was to be carried out at that meeting, which was worked out in advance, of course, and carried out the purpose, and an expression evolved at the meeting.

Q. Have you any notes there with you, or memorandum, to refresh your recollection as to what took place at that meeting, or can you tell about it without refreshing your recollection?

A. Oh, I can tell you what took place there.

Q. Go right ahead, then, please.

A. Mr. P. J. Bordner, president of the Chamber of Commerce, called the meeting to order.

Q. Bordman?

A. Bordner. Mr. Bordner asked me to state the purpose of the meeting, which I did.

Q. What did you say?

A. I said the meeting had been called for the purpose of giving the Chief of Police and the Mayor, safety director, or anyone connected with the city who desired to take advantage of it, an opportunity to express their views about the strike situation, the status of their attempts to maintain law and order in the city, and so forth, and for the purpose of discussing and getting the city's view of certain things which were said to be going on in the strike area, about which the citizens were much concerned.

Q. Did you state to the meeting what those things were?

A. Yes.

Q. That were going on in the strike area?

A. Yes, I stated—

Q. Just tell the Examiner what you said, as near as you can remember the exact words that you said or the substance of the words.

A. The blocking of the roads.

Q. What?

A. The blocking of the roads leading into the Republic plant, the Union Drawn Steel, and the main Republic

plant, two of which roads by the plant extended to other industries.

Q. What streets do you mean?

A. One was Harsh Road; another one was leading down to the Enterprise Aluminum Company past the Republic. Harsh Road led up to two industries beyond there, went past the main entrance of the Republic and also went to the Enterprise Aluminum; the interference with the going to and fro, there, of people who had business at those plants and at the Republic plant. The violent action of the pickets, the fact that they were going armed or at least carrying clubs, and they were, as we understood it, violating the law in various ways.

TRIAL EXAMINER LINDSAY: Now, we don't want your conclusions. State the facts.

Q. (By Mr. Day) I just want to know—Did you say that to the meeting?

A. Yes.

TRIAL EXAMINER LINDSAY: Oh, this is the talk you gave them at the meeting?

Q. This is at the meeting?

A. Yes.

TRIAL EXAMINER LINDSAY: All right.

Q. You said that you said something at the meeting?

A. Also that the fact that in Massillon the two main offices of the Central Alloy district were closed, something which we understood was not the case in other strike centers, at Warren, at Youngstown and Niles. The fact also that it was rumored that the situation was out of control and other details of that character which were the subject of discussion and alarm in the community among the business people of the community.

Q. You said that you stated something about some roads being blocked. Did you state by whom they were blocked, in your remarks?

A. By CIO pickets.

Q. Did you say that in your remarks?

A. Yes.

Q. Have you told the Trial Examiner now about all you can remember about what you said?

A. Well, we cited another instance relating to a meeting at the City Auditorium when a number of men from the Union Drawn Steel Company, we understood about 100 had assembled there by permission of the Mayor or somebody in charge of the building, and that their meeting had been entered by representatives of the CIO and Mr. Morton—the chief had been present when he had spoken to that group—threatened the action that he said they were supposed to take there, saying they were illegal, and that if they were planning to go back to the Union Drawn Steel and so forth, they would send the man up to that lower plant and throw them out, and so forth.

Q. Did you say that at the meeting?

A. These things were all returned there as matters about which the community was concerned.

Q. Please understand that under the rule of the Trial Examiner, all you are to tell now is what was actually said at the meeting?

A. Yes.

Q. All right. Can you tell anything else that was said at that meeting, and who said it?

A. Well, that was the substance of it.

Q. Well, then, who spoke next, if anybody?

A. I beg your pardon?

Q. Who spoke next, if anybody?

A. Mr. Bordner called upon the chief of police to make a statement.

Q. Chief Switter?

A. Chief Switter, yes.

Q. What did the chief say?

A. Well, the chief said that it was true that these things were going on, more violations were taking place, that the CIO pickets were not under control, that he couldn't control them.

A. (Continued) That the C. I. O. pickets were not under control and he could not control them and he said, using his own language, they were a bunch of law violators and Communists and niggers and wops and bastards and son-of-bitches and so forth and so on and that he would like to clean up on them but owing to the fact that he had a very small police force and so forth, he was unable to do anything about it.

Q. Was anything else said at the meeting by anybody?

A. Well, he described his police force, mentioned his lack of fire arms, of gas, of other equipment necessary to control the situation. In fact, he only had 13 policemen for the whole city and so forth.

Q. After the Chief got through did anybody else say anything that you remember?

A. Mr. Hardman spoke, the City Solicitor.

Q. What did he say?

A. My recollection of what Hardman said is, he spoke of the financial situation of the city and he didn't have money to hire special officers and so forth and that it was true that they were under-manned and poorly equipped, and spoke about the difficulty of handling that financial situation with the man power they had and equipment and so forth.

Q. Anything else you remember about that meeting?

A. I think the meeting adjourned shortly after Mr.—I believe he was asked questions, details of the blocking of the road were discussed.

Q. You say he was, who do you mean?

A. Other details back and forth between the Chief and those who discussed it with them about the blocking of the road and so forth were discussed.

Q. After the strike was the mill at Massillon closed down?

A. The mill was closed.

Q. Closed down?

A. Both mills.

Q. Do you know what, if any, men remained in the plants there?

A. I understand at first there was a hundred remained in for maintenance purposes or something like that.

Q. But the mill as a mill was shut down?

A. But the mill as a mill was shut down, both plants were down.

Q. Now you say both plants; will you tell what plants there were at Massillon of Republic?

A. Union Drawn Steel is a subsidiary of Republic on Harsh Road.

Q. Can you give us some idea generally as to how many men were employed by the Union Drawn?

A. Four hundred and six or eight at that time. I believe that did not include the office force.

Q. And the big plant generally employed how many, if you know?

A. Well, around 3200, the main plant, I believe.

Q. Do you know whether or not most of the men employed by Republic lived in or around Massillon?

A. A large percentage of them, yes.

Q. With their families and their homes?

A. Yes, sir.

Q. After the meeting of May 28th at the Conrad Hotel that you told us about, when next did you see Chief Switter?

A. Well, probably about, about the 30th of May or maybe the 29th of May.

Q. Did you have a conversation with him concerning any phase of the strike?

A. I went to check the story that was in circulation in regard to an attempt made by the Republic to open up a temporary office in one of the buildings in Massillon.

Q. Did you talk to Chief Switter upon that subject?

A. I did.

Q. Where did your talk take place?

A. That took place over at his office.

Q. Now, was anybody there besides you and the Chief?

A. I don't recall. Possibly my assistant at the Chamber, Mr. Quigley, may have been with me, but I will not be certain.

Q. Will you tell us what was said?

A. I asked the Chief about the understanding getting around the town that the Republic had talked to us and asked us to find some place for them where they could open up a temporary office.

Q. You say us; what do you mean by us?

A. Chamber of Commerce. We had—

Q. Did you tell the Chief of these things?

A. Yes.

Q. All right.

A. We had been instrumental in having them meet the managers of the three business buildings there and they had secured details of the offices that they probably would use, as I understand it, and I understood that they had been told by the Chief of Police that owing to the objection of Joe Morton they would not be allowed to open up an office there. I went to check that conversation with the Chief. My conversation with the Chief was this: I asked him if it was true that he had been contacted by an officer of the Republic Steel in regard to opening up a small temporary office in the Ohio Merchants Building. He said he had. He said he would take it up with Mr. Morton. He said he took it up with Morton and Morton objected to it. He took it up with the Company to that effect and the Company told him to let it go.

MR. DAY: Joe Morton has been already identified in the record. But in the event the Examiner has forgotten, I will ask the witness who he is.

Q. Do you know what position Joe Morton held?

A. He was President of the New Deal Lodge.

Q. Was the New Deal Lodge out on strike in Massillon?

A. C. I. O. was on strike.

TRIAL EXAMINER LINDSAY: Off the record.

Q. Have you told us all the talk you had with the Chief at that time?

A. That was about all that was said, yes.

Q. That was about the 28th of May?

A. That may have been on the 29th.

Q. 29th, all right. When next did you talk with the Chief concerning any phases of the strike?

A. I had frequent talks with him.

Q. Can you tell us when you had any talk with him concerning any strike matters next that you remember now?

A. Well, there were various meetings called there. The Chief was asked to appear at those meetings and did. I had talked with him, of course, about coming to the meetings.

Q. You say you had various talks with the Chief. What was your purpose in talking to the Chief?

A. I went to the Chief to see what he had to say about some rumor that was circulating about some violent act of the C. I. O., something they had committed, what his position was, what he had to say as to his version of the matter.

Q. What was your interest in it?

A. My primary interest, of course, was to allay as much as possible any false rumors and give the City officials, especially the Chief of Police, an opportunity to explain their positions in the matter, as they went along.

Q. There has been some reference to your organization as "The Law and Order League." Have you ever been known as the Law and Order League?

A. No.

Q. When next did you attend a meeting upon the strike situation?

A. I think the next meeting after the Conrad Hotel

meeting was a meeting called by civic groups at the Central Presbyterian Church on Sunday.

Q. About when was that?

A. I cannot give you the exact date. I have the dates scratched down here somewhere.

Q. Well, I guess you can consult your record as to the exact date.

A. After I wrote up my memoranda about the meetings I paid no attention to dates. It was on Sunday, June 6th.

Q. Day time or night time?

A. In the afternoon, about 3 o'clock, I believe.

Q. What civic groups called the meeting, if you know?

A. Well, it grew out of—the meeting, the preliminary meeting of civic groups representatives, Rotary, Kiwanis, Women's Club, and several other civic groups.

Q. That was June 6th, is that right?

A. Yes; that was June 6th.

Q. Just tell us what took place at that June 6th meeting, about how many were there to start?

A. About 200 people, I imagine, although I did not count them. We had to get extra chairs from the—

Q. Tell us what took place in your own way, as near as you can remember.

A. At that meeting, I presided at that meeting, outlined what seemed to be the prevailing situation in Massillon from the standpoint of the concern that the citizens were showing about it.

Q. You say you outlined. What did you say in substance?

A. In substance about the same thing I said at the Conrad Hotel emphasizing the fact that we were much concerned because of the continued law violations, we were concerned because of the inability of the Chief of Police to overcome the situation.

Q. Law violations by whom, did you say?

A. C. I. O.

Q. Go ahead.

A. And generally outlined along that line and rehashed. After I had given the outline, I said one of the purposes of the meeting is to give the Chief an opportunity to speak to a larger group than he had spoken to at the Conrad Hotel. There were some voluntary speakers, a man by the name of Becker, a man by the name of Walsh.

Q. Can you tell us who Becker is?

A. Becker is an employee of the Republic, I believe.

Q. Do you remember what he said?

A. Well, not in detail. He said in substance that there was a large majority of the Republic Steel workers who wanted to go back to work.

Q. Well, Switter was there at the meeting, was he?

A. Yes.

Q. Go on.

A. He had been intimidated by C. I. O. in various ways, that the strike was called against the wishes of the majority of the men in the plant, that they were being intimidated by various acts of violence and they were being—some of them were being beaten up, and so forth.

Q. Who is Mr. Walsh?

A. Mr. Walsh is a man who works at Republic. He was a member of the Back-to-Work Committee.

Another man I believe by the name of Mathews, an employee of the Union Drawn Steel.

Q. What did he say?

A. He stated in substance the same thing, the strike was called without the consent of the large majority of the workers, that they were not,—that they were satisfied with the understandings, conditions that they had with the Company, that they thought there was something should be done in view of the break-down of law and order in the City, that they might be permanently deprived of their jobs in these plants, primarily urging that something be

done to control the C. I. O. pickets and establish law and order and a normal situation. They wanted the pickets disarmed. They wanted them to stop bothering people who drove along the road. They wanted them to stop holding up conveyances and so forth. That was the general indictment or complaint that they discussed.

Q. Anybody else talk then? Did Chief Switter talk?

A. I am not certain whether somebody else in the crowd spoke,—yes, the Chief spoke.

Q. What did the Chief say?

A. Virtually the same thing he said at the Conrad Hotel minus the profanity and lurid descriptive terms he used with regard to the C. I. O., recapitulated the fact that he had 13 policemen, no guns, no gas, said he had no money. He said he would like to clean up on the crowd down there, that is the C. I. O. crowd; if it was true that a large majority of the men wanted to go back to work, and they would organize themselves in some way, he would be glad to lead them in and if any trouble started he wanted everybody to get out of the way and he would handle the trouble. He repeated various things that he had said about the Communistic, Communists that were on the picket line, niggers, wops, and so forth and he said the situation was uncontrollable, a very large amount of law violations going on right under his eyes but he could not do anything about it. That was the substance of his talk.

Q. Anything said at that meeting about more policemen from Massillon?

A. I think the Chief mentioned something about the difficulty of training officers even if the City did have the money.

Q. Have you told about all that happened or that was said at the meeting of June 6th?

A. I cannot say whether I have told it all, but I believe I have told the substance of it. There were various questions asked by different people in the crowd, some few

minor comments on the city, and so forth, but I believe I have given the substance of it.

Q. You have told us about a meeting of June 6th. Did you attend a meeting of the Rotary Club before that on June 3rd when the Chief was there?

A. June 3rd?

MR. LAUTER: Object to the form of the question, leading the witness.

A. I attended a meeting at the Rotary Club—

TRIAL EXAMINER LINDSAY: Yes.

A. (Continued) I cannot remember the date.

TRIAL EXAMINER LINDSAY: Just a minute.

A. (Continued) I believe that was on June 10th or 11th.

MR. DAY: You mean that is a leading question?

TRIAL EXAMINER LINDSAY: Well, a lot of your questions have been leading. Well, it is all right, go ahead.

A. (Continued) I attended a meeting at the Rotary Club that the Chief attended, but I cannot say when.

Q. When was the next meeting you attended after June 6th? When was the next time you talked to Chief Switter after June 6th?

A. Well, that is a matter, purely a matter of recalling consecutive dates on this thing, which I can only do by looking at some notes I have in my pocket.

Q. If you have any notes, I guess there will be no objection to your refreshing your recollection by referring to them.

A. Well, Saturday, June 12th, I had a meeting with Switter on First Street in Massillon.

Q. Anybody there besides you and the Chief?

A. Yes. Mr. Hoffman and Mr. Snyder, I believe, but I am not certain Mr. Hoffman was there.

Q. Who is Mr. Hoffman?

A. City Prosecutor, Police Prosecutor?

Q. Who is Mr. Snyder?

A. Mr. Snyder is the Safety Director.

Q. What conversation did you have then?

A. The Chief called me and asked me to wait. They walked down the block alongside of the Conrad Hotel. They wanted to know if we had some special police officers and if we would give them the names of them. We told them no, we had no names. That was about the first we had heard of them wanting to get special police. I mentioned that fact. The Chief said, "Well, Carl Meyers, the Assistant Manager of the Republic, the man in charge, had called him up and asked him to go into the Republic office to get an insurance policy," and that he had insisted upon the importance of the Chief going in. The Chief explained—

TRIAL EXAMINER LINDSAY: Did you hear that conversation between him and the policeman?

THE WITNESS: Between Meyers and the Chief?

TRIAL EXAMINER LINDSAY: Yes.

THE WITNESS: No.

TRIAL EXAMINER LINDSAY: Go on.

Q. Are you telling us—

A. I am telling what the Chief told me.

Q. All right, go ahead.

A. He said, Meyers was very much worked up about it because he could not go in. He had spoken to Morton about it and Morton would not permit him to go into the office to get this policy unless he was accompanied by a representative of the C. I. O.

Q. Would not permit who to go?

A. The Chief and a man by the name of Marshall, who was interested in getting this policy.

TRIAL EXAMINER LINDSAY: We will have a short recess.

(Recess had.)

TRIAL EXAMINER LINDSAY: Meeting called to order.

Q. (By Mr. Day) I think you were telling about an occurrence on June 12th?

A. The meeting with the chief on First Street?

Q. Yes.

A. Chief Switter wanted to know if we couldn't induce Meyers to give him a few days grace on going in the Republic office, inasmuch as he was afraid to do it against —considering Morton's position, with the amount of equipment and police he had.

Q. You were telling about getting into the office in connection with some insurance matter?

A. Yes.

Q. A man named Marshall, is that what you are talking about now?

A. Man by the name of Marshall who said, I believe —was the man that wanted to go in the plant and get this policy, and he had taken this up with Joe Morton, and Morton would not permit him to go in unless he was accompanied by representatives of the CIO.

Q. Did Chief Switter tell you that?

A. Chief Switter, yes.

Q. All right, go ahead.

A. He reported that fact to Meyers; Meyers had objected to any such proceeding.

Now, he wanted to know what we could do in the way of getting Meyers to give him a few days grace until he could get himself in better shape.

I asked him that time if he wanted our help, if he really felt we could be of some assistance to him in the matter of increasing and strengthening his police force. He said yes.

Well, I said, "If that is what you want, I will call Mr. Lester and have him talk to you about it, and he can call up Carl Meyers if he wishes," which I did.

I went into the Conrad Hotel and called up Mr. Lester. Lester came into Bender's Restaurant where Switter and the other officials had gone, had a conversation there about

the situation, and Lester went to the telephone and called Meyers and Meyers—

Q. Was Chief Switter there?

A. Yes.

Q. Was Mr. Hardman there?

A. I believe I said at the beginning of my statement along that that I think Hardman was there, but I was not sure. Hoffman was there, and Snyder was there. I believe Dick Hardman was there, I am quite positive he was.

Q. Go ahead.

A. Chief Switter explained the situation as he had explained it to me, to Lester. Lester wanted to call Meyers on the telephone and I assume he did. He came back and said Meyers had consented to give him two or three times to get himself into position, he wanted to put himself in shape to really take charge of things, that is what he said.

Q. Was anything said at that time about a meeting to be held the next day, June 13th?

A. Yes.

Q. Go on.

A. I suggested to the Chief that if he wanted our assistance in the matter of strengthening his police force that he better meet with members of our Committee. That meeting was held on the following day, on the following Sunday, I believe, at 2 o'clock in the afternoon.

Q. Where?

A. At the Chamber of Commerce.

Q. Who all, if you can remember, were there?

A. Switter brought the Mayor there, Hardman, I think Hardman, Hoffman, Snyder, and myself, and our Committee was pretty well represented there and the members of our Committee, of the Citizens Committee.

Q. What took place at that meeting on Sunday, June 13th?

A. We asked the Chief what they wanted us to do, what we could do. He said he needed gas, revolvers and night sticks, or riot sticks, as they call them.

MR. LAUTER: May we have the date on this?

MR. DAY: June 13th.

A. (Continued) And additional police. I believe he said he needed about 52 additional police at that time. The Committee discussed with him what that stuff would cost, and they reached an approximate figure that it would cost $8200 to hire these policemen for a temporary time and these special police, and buy this equipment.

Mr. Hardman, I believe it was that suggested that the Committee decide some way of handling the purchase of the equipment under the Chief's supervision, because if the Chief had to do it direct he would have to get bids.

The Mayor at that meeting said that he would appoint these policemen, these special police, he interrogated about that, and it was there agreed that due to the fact that the City had no finances, as it was understood had no method of paying, that we would undertake to procure from citizens of Massillon exclusive of the Republic Steel Corporation a sum of money sufficient for him to carry out his wishes. He agreed at that time to submit specifications to us or a list of his needs, which he later did.

Q. What else was said at that meeting?

A. Well, the Chief stressed his lack of equipment and he illustrated that he had stolen a gun and ammunitions and I believe some guns out of the Republic's office, which he had taken quietly to the City Hall.

MR. LAUTER: May I have that remark read, please?

(Answer read.)

Q. I wish you would tell us all that you can remember that the Chief of Police said on the subject.

A. I believe he said he had at the City Hall or at the Police Hall a maximum of 14 revolvers, they had two or three gas guns or gas bombs, something of that kind, and so far as my recollection, I believe I about covered what the Chief said.

Q. Can you remember anything else he said about getting guns or anything from the Republic?

A. Well, I remember he said that he took, the word he used was "stolen," he stole some guns and ammunition, I believe some gas, I am not certain about it, but anyway the stuff he was talking about he had stolen out of the Republic Steel office and taken down to the City Hall.

Q. Well, can you remember anything else that anybody said at that meeting?

A. Well, I remember that the Mayor said that he would appoint these men on the recommendation of the Chief and the Safety Director. It was stipulated that the men would be paid $5 a day.

The substance of our Committee's inquiry was what they could do, what they might do to strengthen the police force and help the Chief out of this quandry.

Q. Have you told us about all that you remember that took place at that meeting of June 13th?

A. I have told in substance what took place. There may have been other things said.

Q. When next did you attend a meeting?

A. We called a meeting the next day.

Q. That would be Monday, June 14th?

A. We are talking now about Monday's meeting, as I understand.

Q. You have just told, as I understand it, about a meeting that took place on Sunday, June 13th?

A. I have included in my statement what took place also on the following day.

Q. Oh. Then are you telling what took place on Sunday, June 13th and Monday, June 14th, both?

A. Yes.

Q. Now, you have already stated that the Sunday meeting was held at the Chamber of Commerce?

A. Yes.

Q. Where was the Monday meeting held?

A. At the Chamber of Commerce.

Q. Who were present?

A. Our Committee, most of them, the Chief of Police, the City Solicitor and Safety Director and the Mayor.

Q. What time of day, of Monday, June 14th, did the meeting take place?

A. I believe that was held in the morning at 10 o'clock, about.

Q. At the Chamber of Commerce, too?

A. Yes.

Q. When next did you hear any talk or have any talk with Chief Switter? That is, after June 14th?

A. Well, the immediate successive time I talked to him—I have to consult my notes as to dates.

Q. I do not think there will be any objection to your consulting your notes. Have you got some notes there?

A. Yes.

Q. By which you can fix dates accurately?

A. Yes. (Consulting notes) Well, the next time I met the Chief was on Friday, June 25.

Q. Where did you meet him?

A. At his office. That was when we presented, when our attorneys and our Committee presented a petition.

MR. DAY: This is off the record.

(Remarks made off the record.)

Q. I hand you a paper which has been marked Board's Exhibit 2 and ask you if that is the petition that you have been testifying about just now?

A. That is a copy of it.

Q. And you say this is the petition that was prepared by whom?

A. Prepared by attorneys that were employed by our Committee, our Citizens Committee.

Q. Who were those lawyers?

A. Franklin Maier at Massillon and Elson Wefler.

Q. After they prepared it, do you know by what

means these signatures were obtained or who obtained them?

A. The Committee called in various representatives of civic groups to sign the petition. They took it back to their organizations and their boards, boards of trustees, and returned the petition to us, signed by their officials and so forth. I believe some of the members of the Citizens Committee took the petition out and had some people sign it. Some of them came in our office and signed it.

Q. I noticed it was signed by Massillon Chamber of Commerce, P. J. Bordner, President and D. W. Case, Secretary, that is your signature, is it not?

A. Yes, sir.

Q. You signed the original?

A. I signed the original.

Q. Who all were present when you presented it to the Mayor or Chief of Police?

A. Our attorneys were present, I believe two officers of the National Guard were present, the Chief of Police, Hardman, I think Hoffman, the Mayor, the members of our Committee, not all of them, myself and Mr. Quigley.

Q. Had the National Guard come into Massillon up to that time, June 25th?

A. No, they had not.

Q. Can you recall the date when they did come to Massillon?

A. July 1, I think.

Q. Just tell now what took place at the meeting when the petition was presented, tell as nearly as you can remember what was said and who said it.

A. Well, our attorneys spoke for our Committee.

Q. Well, can you tell anything they said or the substance of what they said?

A. The petition was read and Mr. Maier, I believe, made the presentation, simply made comments on the petition.

Q. Can you recall anything he said or the substance of what he said? All we are trying to get, Mr. Case, is as nearly as we can, what was said. You say he made comments on the petition. Can you tell what he said or the substance of what he said?

A. I do not think he said much of anything except what was in the petition. He recapitulated several points that were already in the petition about the violation of law and order and various instances of it. Now the Sheriff was represented at that meeting by his deputy.

Q. What deputy?

A. I do not recall the name of the deputy. He was there. We served it on him also.

MR. DAY: I call the Examiner's attention to the fact that this is addressed to the Sheriff also, Joseph T. Nist.

Q. Just tell us if you can remember who else said something at that meeting and give us the substance of what was said.

A. There wasn't much of any comments that I remember. There might have been some talk back and forth.

Q. Can you remember any of it or the substance of any of it?

A. Oh, I remember Dick Hardman made some comment. I don't remember what he said. The entire meeting had to do with the presentation of this petition and such emphasis as the attorneys chose to place upon it in their comments upon it. I assume our Committee made remarks. I do not recall in detail what was said.

Q. Well, have you told us all?

A. I remember after the meeting we had immediate contact with the Chief and these officers of the National Guard.

Q. Immediately after the meeting, who all were present at any talk that took place immediately after the meeting?

A. They came to our office. Marshall was one of them, the Chief was one of them, I think Mr. Hardman was along, I am not certain.

Q. You say to our office, what office do you mean?

A. Chamber of Commerce office.

Q. The first man you named, who was he?

A. Was Marshall, Captain Marshall, I believe.

Q. What was he the Captain of?

A. Of the National Guard.

Q. Oh, of the National Guard. Will you tell us what took place there at your office?

A. The Chief asked us for our help in locating a place where the National Guard could locate when they came into the City.

Q. Just a moment. Tell us what, if anything, you remember was said on that subject at that time?

A. I remember we asked them when they might be coming, and they said they didn't know that they were coming, but they wanted to spot a location, and the captain said that they would have to—if they didn't come, if and as when they came, they would come in probably very quickly, and they wanted to get the place equipped, and the YMCA—suggestions were made as to various locations. I think I suggested what was known as the Lodging House, the Relief Lodging House, popularly known as a flop house. And the YMCA was suggested. I don't know by whom. I know we called Mr. Goodnow in, and we went to the YMCA and he showed these two officers over the YMCA and he discussed how—discussed them—discussed those facilities, the practicability of it.

Q. Did you go along?

A. Yes, I went along.

Q. All right.

A. From there we decided to go to the old lodging house located on the property of the Massillon Park Board. We went over there, went in and looked it all over. There

were a few things needed there. And I agreed to undertake to somehow equip the place as they wanted it, that is put in refrigerators, put gas in there, make any alterations in the plumbing, connecting up water and so forth, if it was necessary. Then we left. I went back to the office, as I recall. That was about all there was to it.

Q. When next did you attend any meeting? This is June 25th now.

A. Well, on June 29th I had the meeting with the chief of police in his office, contact.

Q. And who all were there?

A. The chief was there, I believe Hoffman and Hardman. I am not certain as to just who all of the city was there, but the chief was there; various people were standing around. I did not recall who all were there.

Q. Was anybody there of what we have been calling your committee, besides yourself? Did anybody go over there with you?

A. I think Mr. Quigley went along. I believe not, though. Mr. Nick Linckenhely, I believe.

Q. Who is Mr. Linckenhely?

A. He was one of the leaders of the "back to work" group.

Q. Was he an employee of Republic, do you know?

A. He was.

Q. All right. What took place at that conference? What was said as near as you can remember?

A. Well, the chief objected—the police had objected to the use of a building on Lincolnway east, the old Union Bank Building, for the purpose of registering up men who wanted to indicate their desire to go back to work.

I went over to see if I could prevail upon the chief to allow them to use it. I told them that it must be apparent to him as it was to everybody else that the majority of these men were desirous of indicating to the Republic Steel Corporation in some definite way their wish to go back to work,

and I saw no reason why, and asked him what his reason was of why they could not be allowed to meet and carry on the purpose of getting together and signing up some kind of petition or some kind of a statement to the effect that they did want to go back to work, which I understood they had been told they would have to do in some way or other. by Republic.

The Chief said it was against his policy, would lead to trouble; the CIO would give them trouble there, and that they didn't want it to take place.

Q. Anything else said by anybody that you remember?

A. Oh, there might have been a thousand things said, I don't know, but that is the substance of what I said and what I went over there for.

I came out of the Chief's office, stood in the basement a while, discussed the matter with some of these "back to work" fellows, went on upstairs and finally told them that in view of the fact that there was a large—

Q. Finally told whom?

A. The "back to work" group, Linckenhely, whoever else was there with him, that owing to the fact that there was liable to be some kind of disorder on the street, there, tnat we had better liquidate the crowd down the street, of whom there seemed to be 300 or 400 of these "back to work" fellows milling around, very much disappointed, probably, milling around, at any rate.

TRIAL EXAMINER LINDSAY: Just a minute. "Very much disappointed, probably" is stricken from the record.

MR. DAY: I think it should go out.

Q. They were milling around what building, or what part of the—

A. Union Bank Building, and over in front of the Ohio Merchants Building, along that street, and in front of the business places along there.

Q. All right, go on, tell what happened.

A. I was concerned about the interference with business for one thing, and also about there being such a large crowd of them at that time. I suggested to Linckenhely that they get rid of that crowd by letting them come up in our office and carry out their purpose of signing up petitions to go back to work.

Q. Now, by "our office"—

A. The Chamber of Commerce office.

Q. All right.

A. We had previously cooperated with the committee in arranging for that building, that is how—

Q. Prior to that night, state whether or not you had contact with men who said they wanted to go back to work at the Republic?

A. Yes, we had been meeting a great many of them.

Q. And where would those contacts take place?

A. Well, we had about 200 or so men, quite a cross-section come into the Chamber of Commerce office at various times; we asked them about the strike, whether they were in favor of it, and they expressed themselves as being against it and wanting to go back to work, and they told us that that was the feeling of a majority, that they were intimidated and afraid to show their colors.

Q. Did they say by whom they were intimidated?

A. The CIO.

Q. And they would see you, as I understand you, at your office at the Chamber of Commerce, or see you somewhere else?

A. They came to the Chamber of Commerce office.

Q. How often would they come in?

A. Well, that went on for several days, they come in, in squads, in groups, and sometimes one person, sometimes two or three persons. We had expressed ourselves as being desirous of knowing what the sentiment was among the Republic men.

Q. All right.

A. And also previous to that time we had had contacts with the "back to work" committee.

Q. And by that, you mean whom?

A. The "back to work" committee, Linckenhely, Seward, Walsh, various men who constituted that committee.

Q. You say "we had contacts." Who do you mean by "we?"

A. Our committee, our Citizens Committee.

Q. Just tell the Trial Examiner generally the nature of those contacts.

A. Well, they were—our committee sometimes met with them. They met with different members of our committee, went to the homes of different members of our committee, of our citizens committee who were in—for the purpose of expressing themselves as wanting to go back to work, wanting to get the mill started, wanted to bring the strike to an end.

The committee went with the "back to work" committee, different men on the committee met with the "back to work" committee for the purpose of discussing the situation, discussing what ought to be done. There had been various discussions about what ought to be done.

Q. And you took part in some of those discussions?

A. Practically all of them. That is all that was held by those groups. Of course, I did not take part in any discussions that were held at the homes of these various members of this Citizens Committee.

Q. You have gotten down, now, to, as best as I remember it, the 25th of June. When next did you attend any meeting? Or was it the 29th, you were over there about the building? Judge Pontius suggested perhaps I am wrong in the dates when you talked about giving—it is my fault.

TRIAL EXAMINER LINDSAY: We had better

start again at 1:30.

(Whereupon, at 12 o'clock, an adjournment was had to 1:30 p. m.)

Afternoon Session

(Whereupon the hearing was resumed, pursuant to adjournment, at 1:30 o'clock p. m.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

D. W. CASE

resumed the stand and testified further as follows:

Q. (By Mr. Day) I was asking, Mr. Case, about the Back-to-Work Movement. Now I think you have told us about establishing of headquarters some place and then something happened about selecting a different place.

A. We were discussing the date here, June 29th, at which I said I met the Back-to-Work Committee. That was on June 30th. June 29th is the date that the Back-to-Work Committee reported to me their wishes to stop or develop some sort of a method by which they could register or determine, count noses, in other words, see how many of these men wished to go back to work and it had been suggested by this Committee, this Back-to-Work Committee that probably the only practical way to do it was to register the men and the place where the registrations could take place had been discussed and the Union Bank Building had been talked of and at the request of this Committee representing the men who wanted to go back to work, I went with them and introduced them to Mr. Lettager, the cashier of the State Bank, the owner of the Union State Building, and they explained their desire to use the building. They did

not want to occupy the buildings for meetings, but they wished to have a place to set up tables where men could come who desired to register their wishes in regard to going back to work.

He agreed to furnish that room providing his directors agreed. Owing to the fact that there was a great deal of disorder or at least he felt that there was a great deal of disorder, he mentioned the fact that owing to the reputed violent activity of C. I. O., there would be some danger in the use of the building and there probably would have to be some insurance, some special kind of insurance. He was requested by the Back-to-Work Committee to work that out if he could and was to let them know the following morning. In fact, he was to let us know and we were to telephone them if he found out before the morning, got the O. K. of his board.

On the following morning, which was June 29th, I came down to the office about 9 o'clock and saw this crowd miliing around. I went up to the office and then went over to find out or learned at the office, however, that the insurance matter had not been arranged. Mr. Kirchoffer had reported to one of the girls in my office that he had,—that the matter of insurance had to be submitted to the home office in Chicago and he had sent a day letter and was waiting the confirmation of insurance on the building, insurance to embrace property damage, riot and malicious mischief and so forth, and the insurance policy that they demanded on the building being $75,000, as I understood or the surety or indemnity.

Well, I went across the street and saw Nick Linckenhely, Seward and Walsh and other members of the Back-to-Work crowd and they said the police had been over there and forbidden them to use that location.

I then went with them to the Chief of Police, and that is what I was talking about on the 30th, not on the 29th.

Q. What took place when you went to see the Chief of Police then?

A. Simply that I repeated to the Chief the fact that community concern about the large majority of men who were not concerned with this strike, were not primarily concerned in bringing it or as it now appeared wanted to go back to work or wanted to put themselves on record as desiring to go back to work, so that there could be some definite assurance given the Republic that if Republic wanted to open the plant that it could be opened. There were men enough to operate.

Q. You said he—

A. I stated those matters to the Chief.

Q. You said you said something to the Chief about community concern. What did you mean by community concern?

A. I meant the tremendous concern in the community because of the angle that this strike had taken, over 60% of our industrial employment forced out of work, locked out, against their wishes.

MR. LAUTER: Is this part of the conversation?

Q. Is this part of the conversation?

A. This is part of the conversation, yes, sir.

Q. Go ahead.

A. And it was a simple matter for them to indicate if they so desired their wishes in this matter and that was the purpose of getting the building. He objected to it because of interference of the C. I. O., which would lead to violence, which he knew he could not control.

I then decided on my own hook in the course of a few minutes that under those circumstances these men on the street had better be disposed of rapidly.

MR. LAUTER: I object to what the witness had decided.

A. That was my own conclusion.

TRIAL EXAMINER LINDSAY: Just a minute, Mr. Witness. When an objection is made, stop talking. What was the objection?

MR. LAUTER: I object to what the witness decided.

Q. What did you do, if anything, with relation to those men whom you say were out on the street?

A. I informed the Back-to-Work Committee that so far as the men on the street were concerned, they could have a place in our office for them to come in and register, which we did.

Q. State whether or not, after that, the men started to register at your office?

A. Yes.

Q. When you say your office, do you mean the Chamber of Commerce office?

A. I mean the Chamber of Commerce office. About 300 of them registered up—250 to 300, to go back to work.

Q. How long did the men, the Back to Work men register at your office? Along about that time?

A. Well, they started to register on June 30. That registration was interrupted by me because we did not intend to continue and do it up there.

Meantime we had called in, however, our Citizens Committee, and I asked them what they thought about it, there being no interference there so far, and everything being orderly, the conduct of everybody being perfectly normal and above board, and the Committee recommended that we continue that.

Q. Did you continue it?

A. We continued it up to the 3rd of July.

Q. You say up to July 3rd?

A. Including July 3rd. July 3rd, I believe, was a Saturday.

Q. On how many days did the men register?

A. Well, three or four days, Thursday, Friday, and Saturday.

Q. July what?

A. June 30th, July 3rd—June 30th to and inclusive of July 3rd.

Q. And how many men registered in that Back to Work Movement?

A. The actual number—the actual figure given to me by the Back to Work Committee was 2300 and some odd.

Q. That took you up to Saturday, July 3rd, and Sunday was the 4th of July and the Fourth was observed on Monday the 5th. What happened then, if anything?

A. Well, along about July 6th we began to receive various calls and requests which we did not understand, from the chief of police, who desired us to tell him how he could get special officers.

Q. When did the troops come in? I asked you this morning to connect that up.

A. July 1st, I think.

Q. When?

A. On July 1st, I believe.

Q. You just told us about getting hurry-up calls from the chief, about when was that?

A. July 6th.

Q. Tuesday, July 6th?

A. Yes.

Q. And were those calls made to you? Did you hear them yourself?

A. Oh, some of them were made to me, some of them were made to Mr. Quigley.

Q. Those that came to you, what did the Chief say?

A. He wanted to know if we had any men—also calls came, if we had any names we could give them, for special police officers, and part of those requests were received during my absence from the office, I believe Mr. Quigley received several of them myself [himself].

Q. Well, in response to the inquiry of the chief as to men for extra police what, if anything, did you say to him?

A. I didn't say anything to him over the phone. I found out from Mr. Quigley that he had given six names to him, but we didn't have any method of recommending

the men. The Chief explained that he couldn't get men, he couldn't get trained men.

And so on July 6th, sometime in the afternoon, I think, I stated to Quigley—Quigley and I went to the chief's office for the purpose of determining our attitude on this matter, we couldn't get men for him, and it wasn't our business to get men for him.

Q. Did you see the Chief then on that date?

A. Yes, the chief was there and several other people.

Q. Can you tell us who some of the other people were?

A. Well, the first one in, the Mayor was there.

Q. Mayor Krier?

A. Mayor Krier, after calling somebody to bring chairs in the room, we sat down. Mr. Peppert was there, Mr. Angstedt, Mr. Becker, Chief of Police, Mr. Hardman. My impression is there was a number of National Guard there, but I can't be sure.

Q. What was said at that meeting?

A. There was a general discussion going on, on the question as to how to get men, and how men could be given—

Q. Can you state—

A. And the chief recapitulated his customary alibi that he had no police force, he had no equipment, that he stated his difficulty in getting anybody.

Q. Now, you say that there was a discussion there. Can you tell the Examiner what was said, or the substance of what was said, and who said it? Let's see if you can think back and recall anything that was said and who said it.

A. Mr. Peppert, or Mr. Angstedt, one or the other, had a list of names. Those names were being discussed as to the desirability of those men for special police. It appeared from the discussion that some of these men were former Republic employees. Some of them were being discussed for special police, some of that list of names

were being discussed for the advisability or practicability of using those men for what they call home guard.

Q. I wish you would tell the Examiner about the home guard. As you understood it, what were the home guards?

A. As I understood it, what the home guards were, there had been home guards—men organized over in Canton to protect neighborhoods, to protect the families of men who were either working or wanting to go back to work or at least who were antagonistic to the strike, Republic employees. Republic was there, as I understood, represented by these three men.

Q. That is Mr. Peppert was a Republic man?

A. Peppert and--

Q. Angstedt?

A. Angstedt and Becker, offering certain services as they had at their command, in the matter of submitting a list to them, if they could use them.

Q. Well, did you understand that there was a distinction between home guard and special police?

A. Yes.

Q. And what was that distinction as you understood it through that discussion there?

A. As I understood it, the distinction was, home guards were men who would work without pay and who would exercise protective influence in the various neighborhoods where it was stated that windows were being stoned, families were being placed under fear and duress and men who were supposed—who were connected with the Back-to-Work Movement lived. And it was to protect the wives and children or at least to allay their fear that these home guards were to patrol these various neighborhoods. They were to work for nothing. There were certain men on that list, as I understood it, who were suggested as the type of men who might make good special policemen, and the chief of police objected to the use of Republic men, as did Mr. Hardman, from the standpoint that it was probably undesirable to use anybody con-

nected with Republic although they were men connected with the Back-to-Work Movement as I understand. Mr. Hardman said if they did anything like that, they should put some CIO men on, and that was discussed pro and con, and Mr. Peppert and, I believe, Mr. Angstedt simply repeated several times the fact that the Republic desired to be helpful in any way that they could to establish law and order and to allay the fear in the various neighborhoods —to give their men who had a legitimate purpose in wanting to go back to work, as he said, an opportunity to go back.

I also stated at the time of that meeting that the National Guard was leaving and that they had demanded some such—that the civil authorities get busy and take over the situation.

Q. About how long were the National Guard in Massillon?

A. Well, apparently about a week, I would say about a week.

Q. Was anything else said at that meeting that you can remember, by anybody?

A. Yes, during the meeting Switter made the statement, which was reheard several times, while I was there, to the fact of the inadequacy of his force, of his inability to get any special policemen who were competent, and I made the suggestion to him, or in other words, I said to him, "How do you stand with Captain Curley, or Major Curley?" He said, "All right." "Well," I said, "I understand from one or two talks I had with Major Curley that there is a method by which you could get the type of people and kind of people that you want and that perhaps he would advise with you on the method." And he says, "Where is Major Curley?" The Chief said. I said, "I don't know."

Q. Now, was that said at a meeting attended by the persons that you have named?

A. Yes, and I heard him call somebody on the telephone and send them out after Major Curley.

Q. Did anything else transpire at that meeting?

A. I think it was about the substance of the meeting.

Q. You have stated, Mr. Case, that you told Chief Switter, that you had had some prior contact with Major Curley. Had you known Major Curley for sometime?

A. Yes, a good many years, casually.

Q. Had he resided in Massillon?

A. Yes.

Q. What, if any, knowledge did you have as to his prior experience?

A. Major Curley is often referred to in Massillon as a former Army officer, a man of considerable—as a man who had organized two companies in Massillon, I believe, for the World War, a very competent man along the lines of developing organization. Also a very influential member of the ex-service group, American Legion, or whoever they were.

Q. When did you have your first contact with Major Curley on this subject we are talking about?

A. Oh, probably two or three weeks before this meeting we are referring to in the Chief's office.

Q. And where did you have a talk with Major Curley?

A. My contacts with Major Curley were more or less accidental and casual, as they were with other citizens of Massillon who were frequently asking me about developments. I think my first talk with Major Curley on the subject of the strike was in Baltzley's Drug Store probably two weeks—

Q. Anybody there besides you and Major Curley?

A. Oh, yes, the place was full of people, eating.

Q. Did anybody else take part in the conversation?

A. No.

Q. Will you tell us what he said and what you said?

A. Why, I believe the Major simply asked me how we were getting along with the Chief of Police, how the

Chief of Police was getting along, how the strike was coming. And I answered him in more or less of a routine way, and went on about my business. He indicated a certain amount of interest in the thing as a citizen.

MR. LAUTER: May we have the date of this conversation?

Q. Fix the date of that conversation just as nearly as you can, in Baltzley's Drug Store?

A. I would say that it was two weeks before this meeting on—

Q. June 30th?

A. On June 30th.

MR. LAUTER: If the Examiner please, I want the record to show that the witness is constantly referring to a pack of cards in his hand. It is rather unusual procedure, as I understand it, to have a witness do that. I don't mind his testifying after it appears that he can't refresh his recollection without referring to these cards, but to have him constantly referring to cards in testifying is rather unusual.

TRIAL EXAMINER LINDSAY: Well, go on. Proceed with the examination. You can cross examine him on that particular point.

MR. DAY: All right.

Q. (By Mr. Day) About two weeks before the 30th of June would be about the 16th of June. Now, have you told all that you said to Major Curley and he said to you at that time in Baltzley's Drug Store?

A. Yes, casual meeting, casual conversation. He asked me the usual questions that citizens were asking wherever I appeared on the street or any place else.

Q. Did you have another talk with Major Curley between that time and the 30th of June?

A. Three or four days before—I would say a week before I made this inquiry of the Chief about Major Curley.

Q. Where did that take place?

A. In the Ohio Merchants Bank.

Q. Did anybody take part in that conversation?

A. No.

Q. Except you and Major Curley?

A. No, he was one of the men that I met in the Bank, going through.

Q. What was that talk between you and Major Curley?

A. Major Curley wanted to know how we were getting along, how the chief was getting along, and I said "The chief trouble seems to be that he says he has a weak police force, that he has to—owing to his situation—he has to get permission of Morton for everything he does, and he knows of no way and seems to be—to have no method by which he can strengthen the police force with the type of special police that he wanted."

Curley made the remark that that ought to be easy. "Well," I said, "how would you go about it?" "Well," he said, "probably the best way to do it, that I have known, would be to call on other industries not concerned in the strike." He says, "There are a number of qualified men that could easily be picked, that have had some previous experience with firearms and military duty and such like stuff. And I think it should be easy for him to get these industries to allow these men to volunteer for temporary and emergency period."

I said, "Well, if the Chief brings this question to us, would you be willing to advise with him on it?" "Well," he says, "I am a citizen of Massillon, I am interested in this thing from a standpoint," he says, "sure, I think that the chief ought to have all of the help we can give him." He said, "I would do it. I would make suggestions to him as to how I think it ought to be done." That was all there was to it. That led up to my statement to the Chief.

Q. I understand that you stated just a moment ago that at this conference on June 30th the Chief called somebody on the telephone?

A. Yes, two of his officers, I understood, for the purpose of sending out an inquiry to locate Major Curley.

Q. What was the date of that, was that the 6th of July or the 30th of June?

A. That was the 30th of June.

Q. What, if anything, did you hear the Chief say to the officers before they went out, as you say? You have testified that you heard him tell the officers to try to locate Major Curley. Will you tell the Trial Examiner what you heard him say?

MR. LAUTER: I want to object to this conversation. It was over the telephone.

MR. DAY: I am not asking for what was said. I am asking for what the Chief said to the man who contacted him.

TRIAL EXAMINER LINDSAY: Where was this?

MR. DAY: In Chief Switter's office.

TRIAL EXAMINER LINDSAY: In this man's presence?

MR. DAY: Yes, I understood so.

MR. LAUTER: This was a telephone conversation, was it not?

MR. DAY: No. Wait a minute.

TRIAL EXAMINER LINDSAY: Just a minute, both of you. Was this a telephone conversation you are talking about?

THE WITNESS: The telephone conversation I have mentioned is the talk that the Chief had.

TRIAL EXAMINER LINDSAY: Wait a minute. Is this the one Mr. Day has asked you about that—are you talking now about a telephone conversation?

THE WITNESS: I am talking about being in the office.

TRIAL EXAMINER LINDSAY: Is that a telephone conversation?

THE WITNESS: The telephoning was done by

the Chief of Police.

Q. What, if anything, did you hear the Chief say to anybody about contacting Major Curley?

MR. LAUTER: May I have the last remark read?

(Last remark of the witness read.)

MR. LAUTER: I don't believe you understood the last remark of the witness. He is testifying about a telephone conversation.

Q. What, if anything, did you hear Chief Switter say upon the subject of contacting Major Curley?

A. He said, "Where is Major Curley?" And I said, "I don't know." And he said, "Let's get him." He thereupon, possibly after some little delay discussing the matter, he pressed a buzzer and talked in the telephone box asking for somebody to go out and get Major Curley.

Q. Did he do that in your presence?

A. Yes.

Q. What happened at that particular meeting?

A. That was about all.

Q. When was the next meeting you attended?

A. Well, he evidently located Major Curley.

MR. LAUTER: I want to renew my objection.

MR. DAY: We will agree to that being eliminated.

MR. LAUTER: I want to renew my objection.

A. Well, he did.

MR. LAUTER: I renew my objection to the witness consulting these cards.

A. The next—

MR. LAUTER: May I have a ruling on my objection before the witness continues, please?

TRIAL EXAMINER LINDSAY: Well, I will overrule your objection. Let the record show an exception.

Q. After that did you see Major Curley that day?

A. No, not that day.

Q. Did you talk to Chief Switter again that day? Withdraw that. Did you see Major Curley before you saw Switter or Switter before you saw Major Curley? That is, after that, which one did you see first, if you saw either one of them?

A. Well, I saw the Chief that day. A week after I had seen Curley, or so. I didn't see Major Curley, he contacted me by telephone the following day.

Q. You didn't hear that conversation?

A. I heard Curley's talk to me.

Q. Oh, Curley talked to you on the telephone?

A. Yes.

Q. Give us the date of that.

A. It was the day after this suggestion I made to the Chief or the statement I made to the Chief about Curley.

Q. What was that conversation?

A. He called up and said he was going to help the Chief out getting the special officers. He said he wanted our co-operation in getting them. I said, well, I didn't know how we could co-operate. He said he would like to get ahold of these industries and find out if they would co-operate with him about getting information about these men that the Chief wanted to put on. I said, the only way to do that would be to have a meeting of the industrial managers called and the Mayor and yourself, the Chief state his case to them and tell them what you want. If that is what you want, I will call such a meeting. At least I will notify them of such a meeting, providing it is understood or you can get information to me that the Mayor or the Chief of Police officially wants co-operation of our local industries in the matter.

Q. What happened after that?

A. I didn't hear any more about it until I believe Curley called me and said, I believe on the following morning, that he would like to get this group together immed-

iately and that the meeting could be called to meet with the Mayor and the Chief and himself.

Q. Was such a meeting called?

A. Such a meeting was called.

Q. Who called it?

A. We called it.

Q. For when?

A. The meeting was held at the Y. W. C. A. in Massillon on Wednesday, June 7th.

Q. What time of the day?

A. Noon.

Q. You mean June 7th or July 7th?

A. July 7th, I beg your pardon.

Q. At noon?

A. That is right.

Q. How many were there?

A. I don't remember the exact number. I think there were 18 industries represented and four or five besides the City officials and two or three members of the Citizens Committee.

Q. Was Chief Switter there?

A. Yes, Chief Switter, the Mayor, the City Solicitor, Mr. Hardman, Mr. Snyder, the Safety Director.

Q. Will you tell us what took place at that meeting, please?

A. Before the meeting was held I went over to the City Hall to find out how the meeting was to be handled, talked to the Mayor. He said the meeting would be handled by Major Curley. So after they had had their luncheon I simply introduced Major Curley by saying that he had been designated, as I understood it, by the Mayor and Chief of Police to make a statement to them about some co-operation that the city very badly needed at that time. That was all my connection with it.

Q. What happened next?

A. Curley made the statement.

Q. Tell us as near as you can remember what he said.

A. Well, in substance, he said that he had consented to render such assistance as he could to the city for the purpose of developing special police force that would restore law and order in Massillon, that it was not the purpose of his connection with this thing or his purpose or not the purpose of the city to undertake to do anything to try and break a strike or to force any issue other than the matter of law and order. He said that he and the city had nothing whatever to do with the issues of the strike primarily but there was a need for special police to restore a normal, peaceful and orderly situation in the community, and that he was lending his aid for that purpose and that the plan he had decided upon was that there were a number of men employed in these various industries who were not concerned in the strike, whom he knew and felt would make good policemen, special policemen, and he asked them one and all to send in a list of names to him of such men.

Q. Anything else that you can remember he said?

A. I believe one or two members on the Committee had something to say.

Q. Can you tell us what they said or the substance of what they said?

A. Oh, they talked about the desperate situation the city was in, the great need for this thing. They finally got down to the point that I said we better get the noses counted here, you better call these people's names off and find out what they will do, which was done.

Q. Now you say, which was done. Can you tell us a little more in detail how it was done?

A. Either Curley or somebody there in connection with it, they called sort of a roll call, called on the various industrial representatives that were there, asked them what they would do. They said that they would do their best to send,—that they would co-operate to the very best of their ability.

One of the things, which I neglected to state, that Curley presented to them was that he wanted these men released, if they were released for that purpose, without any prejudice to their re-employment or going back to their regular job in these industries.

Q. Now can you tell—I beg your pardon.

A. That was agreed to.

Q. Go ahead.

A. The question—there were some questions discussed there as to, I don't remember the details of them, but I remember there was some argument there that somebody had with Major Curley on the question of home guards and Major Curley stated that he did not believe that that was the need in Massillon, he believed what they wanted was some special police here for the purpose, who would be deputized and be under the direction of the Chief of Police.

Q. Can you tell us how many manufacturing concerns were represented at that meeting?

A. 17 or 18 were there. Mr. Carl Meyers was in that meeting.

Q. Mr. Carl Meyers of Republic?

A. Yes.

Q. After that meeting was concluded, what was the next thing that happened?

A. The next thing that happened to me, about a day or two after that as far as my connection with it was concerned, I went over to ask the Chief how they were coming along with the special police in the afternoon.

Q. You say a day or two. Will you please—

A. Well, I would say one day elapsed before I contacted him again and then on the following day after that I went over to the City Hall.

Q. Did you see the Chief?

A. I saw the Chief but I didn't talk to him.

Q. Did you talk to the Chief after that?

A. No, not that I recall. I saw Major Curley there and I saw about 30 men lined up in and along the hallway and the Chief and Curley were examining these men and making selections from the line standing up. It seemed to me that they were getting along pretty well and getting their special policemen. I don't know anything about it.

MR. LAUTER: I object to the way it looked to him.

TRIAL EXAMINER LINDSAY: Yes, that phrase may be stricken.

MR. DAY: That is "it seems to me that they were getting along pretty good." All right.

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: And the rest of the answer stays in?

TRIAL EXAMINER LINDSAY: Read the last part of the answer.

(Last part of the answer read as follows: "It seemed to me that they were getting along pretty well and getting their special policemen. I don't know anything about it.")

TRIAL EXAMINER LINDSAY: Strike the last out. Mr. Witness, we do not care about what you thought, tell us what you saw and heard.

Q. What did you see?

A. I saw men who were being examined for special police by Major Curley.

Q. Was the Chief there?

A. The Chief was in the background watching the proceeding.

Q. The Chief was there?

A. Yes.

MR. DAY: Just a moment, please, Mr. Examiner.

TRIAL EXAMINER LINDSAY: All right.

Q. I will ask you whether or not what you did in relation to your activities that you have described on your

so-called Committee you were directed by Republic or any officer of Republic?

A. We were not.

Q. And in what you did in relation to the Back-to-Work Movement, were you directed by Republic or any officer of Republic?

A. Our entire action was prompted by the concern which the community felt, as the Chief had described it, by the gradual spontaneous appearance of a large number of Republic men.

TRIAL EXAMINER LINDSAY: Strike that out and answer the question. It is a yes or no question.

MR. DAY: Will you read the question, please?

(Previous question read.)

TRIAL EXAMINER LINDSAY: That requires a yes or no answer, and you give it.

THE WITNESS: No.

Q. Will you state why it was you took the interest in these matters which you have described?

MR. LAUTER: I object to the form.

MR. DAY: I would like to receive a suggestion—

TRIAL EXAMINER LINDSAY: Read the question.

(Question read.)

MR. LAUTER: I object to that.

TRIAL EXAMINER LINDSAY: Oh, we have gone over that about 15 times, Mr. Day. He has told us repeatedly what his interest was. Just go ahead and ask on some other point.

MR. DAY: Well, I would like to except.

TRIAL EXAMINER LINDSAY: Yes, you may have an exception.

MR. DAY: I would like to make an offer to prove that the witness took the interest he has described because of his interest in the community—

TRIAL EXAMINER LINDSAY: Just a minute.

MR. DAY: —and that the witness would so answer.

MR. LAUTER: Do I understand this is going into the record?

TRIAL EXAMINER LINDSAY: How?

MR. LAUTER: Do I understand this is going into the record?

MR. DAY: It is an offer to prove.

MR. LAUTER: Well, I would like to hear an offer to prove when it is made.

MR. DAY: You can hear it.

MR. LAUTER: Not after I ask the Stenographer to read it back.

TRIAL EXAMINER LINDSAY: Let us have an understanding. After all is said and done, an offer to prove does not mean anything. We have gone over this thing about 15 times about what the intention and the interest of the Chamber was in this matter. I believe he has repeated it at least 20 times. Go ahead and ask another question.

MR. DAY: I have no other question to ask. That is all. This is off the record.

(Discussion had.)

Cross Examination

Q. (By Mr. Lauter) Would you mind letting me see the cards that you have, Mr. Case?

A. (Witness hands cards to counsel.)

Q. You testified about a meeting at which Mr. Switter was present, at which he stated that he had stolen some ammunition, guns, tear guns, from the Republic Steel Corporation; is that correct?

A. Yes.

Q. Is that right?

A. Yes.

Q. I don't hear you.

A. Yes, sir.

Q. What was the date of that meeting?

A. It is on the card, there.

Q. Can you remember the date of the meeting without referring to this card?

A. I can't recall exact dates for any meeting. There were a dozen meetings.

Q. I am asking you if you remember the particular date on which Chief Switter told you he had stolen guns, ammunition and tear guns from the Republic Steel Corporation?

A. It was on Sunday, but I do not recall the date of the month.

Q. Tell me who was present at that meeting.

A. Mr. Switter, Mr. Hoffman, myself, Mr. Quigley, Mr. Lester, Mr. Lanham, Mr. Hall.

Q. Were there any officials of the Republic Steel Corporation present?

A. There were not.

Q. Were there any employees of the Republic Steel Corporation present?

A. There were not.

Q. Did you report that theft to anybody in Republic Steel Corporation, or the statement of the theft by Mr. Switter?

A. I beg your pardon.

Q. Did you report Chief Switter's statement that he had stolen something from the Republic Steel Corporation to anybody?

A. I did not.

Q. What time was this meeting?

A. The Sunday meeting was 2 o'clock in the afternoon.

Q. Did he state in what one of the plants he stole these?

A. Main office building at Republic.

Q. Are you familiar with the plant's main office building?

A. Yes.

Q. Do you know whether or not there are any guards at these—or mill police?

MR. DAY: When?

A. In the office building?

Q. That is right.

MR. DAY: I object to it unless he fixes the time.

A. Not at that time.

Q. Do you know whether or not the Republic's plants are generally surrounded by mill policemen?

A. I know nothing about the situation at Republic plant except what the chief said.

Q. Have you ever been out at Republic plant here?

A. Yes, very often.

Q. Did you ever notice whether or not there are mill policemen at the gates of the Republic plant?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: That is perfectly proper.

MR. DAY: This is during the strike.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception. Proceed.

MR. DAY: Exception. Let the record show that this was during the strike.

TRIAL EXAMINER LINDSAY: That is all right.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: Objection is overruled, let the record show an exception.

MR. DAY: Exception.

A. I didn't see any guards at the—any Republic guards.

Q. When was the last time that you were at the plant?

A. Just a few days ago, about a week ago.

Q. Have you ever been there prior to May 26th, 1937?

A. Lots and lots of times.

Q. You did?

A. Probably fifty or sixty or a hundred times.

Q. Did you notice there were gates at the entrance to the plant?

A. Yes.

Q. Did you notice mill policemen there?

MR. DAY: I object.

A. No.

Q. Never saw any policemen?

A. I never saw any gates, at the entrance to the plant.

TRIAL EXAMINER LINDSAY: Let the record show the objection is overruled and note an exception.

MR. DAY: Exception.

Q. Did you ever notice any mill policemen around the gates of the plant?

MR. DAY: The same objection.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

A. No.

Q. Did you ever see mill policemen?

A. Just a few days ago when I was down at the plant I saw what looked to me like mill police out on the lawn in front of the office building, opposite the main office building.

Q. But you had been down to the plant fifty times before May 26th, 1937, and never saw any mill policemen, is that correct?

A. My calls were usually at the office, I never saw any mill police there.

Q. The mill office is right across the street from the plant, isn't it?

A. Yes, sir.

Q. Is Republic Steel Corporation a member of the Chamber of Commerce?

A. They are not.

Q. Who is Mr. Linckenhely?

A. Mr. Linckenhely is, I believe, a foreman in the machine shop at Republic Steel plant.

Q. Did he use the offices of the Chamber of Commerce, signing up men to go back to work?

A. What was that question?

(The question was read.)

A. Men that wanted to go back to work used the office, the Back-to-Work Committee used the office.

Q. He was on the Back-to-Work Committee, was he?

A. He was.

Q. Do you know what position he held with them?

A. Just as a member of the committee, as far as I know.

Q. Have you ever seen Board's Exhibit No. 48 before, containing Mr. Linckenhely's signature?

A. Oh, I never saw anything containing his signature.

Q. Have you ever seen that card before, or a card similar to that before?

A. I saw a card that looked somewhat similar to this.

Q. Did you see them in the office of the Chamber of Commerce?

A. I think I have a copy of that card.

Q. You have seen plenty of them at the Chamber of Commerce, have you not?

A. I have not. I never saw but the one.

Q. Just the one?

A. This is the second time I ever saw that card.

Q. You say you didn't see one at the Chamber of Commerce?

A. Yes, I had it.

Q. Who had it? Where did you get it?

A. I think I got that card from some member of the former Back-to-Work Committee, after the men had gone back to work.

Q. Then were the Back-to-Work men signing those cards, do you know?

A. I don't know.

Q. What?

A. Not in our office, no.

Q. Now, you testified about Mr. Walsh, in the meeting June 6th.

A. Yes.

Q. At which he spoke and said that some of the men might be permanently deprived of their jobs, is that correct?

A. I don't recall that I said that Mr. Walsh specifically said that.

Q. Well, tell me about that.

A. I spoke of the talks made by Mr. Walsh, Mr. Becker, and Mr. Mathews.

Q. Suppose you tell us what Mr. Walsh said.

A. That was the subject—

Q. Tell me what Mr. Walsh said at that meeting.

A. Well, Mr. Walsh stated in substance what the rest of them said, that the majority of the Republic Steel men wanted to go back to work, and that they were very much concerned for fear that because of the break-down of law enforcement and no protection given to them, that they possibly might not get an opportunity to go back to work.

Q. Did he say anything about Republic's threat to keep the plant closed forever?

A. No, not at that time.

Q. Have you heard anything of that nature?

A. Oh, there were rumors of that kind went around in the community. I heard it from different people, but never officially.

Q. Did you ever investigate any of those rumors?

A. Yes.

Q. Whom did you see about those rumors?

A. Indirectly my investigation was—a member of our committee called up an official of the Republic and asked him about it.

Q. What was the report?

A. The report that he gave me was that they probably had something like twenty million dollars' investment in Massillon, and that they were not going to close up and charge off twenty million dollars, providing that they had an opportunity to run their plant.

Q. They wanted to run their plant; is that right?

A. That was my understanding.

Q. And you wanted to help them run it?

A. How is that?

Q. Did you want to help them run it?

A. Not necessarily.

Q. Did you say something about that?

A. If they wanted to run their plant, I was interested in seeing them run it.

Q. How about the Chamber of Commerce? Were they interested in seeing the plant open?

A. The Chamber of Commerce is primarily interested in having all plants operating.

Q. Well, you were interested all during this time in seeing that this plant was opened and running, is that right?

A. If it could be opened.

Q. If it could be opened? And were you helping to open it?

A. I don't think we were.

Q. Even though the Back-to-Work men were signing up in the Chamber of Commerce offices?

A. Well, it might be construed as helping to open it, we were helping the men to express their wishes in the matter.

Q. What was the first time that the Citizens Committee met?

A. I can't tell you the exact date. They met a great many times.

MR. DAY: A little louder. You are too close together. Talk louder.

A. I can't say when they first met.

Q. I think you testified that on May 28th was the first time they met?

A. I did not, because they were not in existence, I believe, on that time.

Q. How is that?

A. I believe they were not in existence at that time.

Q. Well, refer to your cards and tell me when was the first meeting of the Citizens Committee?

A. Friday, May 28th, there was no committee that I know—formal committee organized.

Q. Was there a meeting at the Conrad Hotel?

A. Yes.

Q. Was that for the purpose of forming the committee?

A. No.

Q. What was the purpose of the meeting?

A. In giving the chief of police an opportunity to explain his position in regard to the strike and give his views as to the tactics that were being used, and the status of the matter—general status of the matter.

Q. What was the first meeting of the Citizens Com-

mittee? Let me have the date of the first meeting of the Citizens Committee?

A. I couldn't give you that. I don't know. The record would show when they met, the office records.

Q. Do your cards indicate when the first meeting was?

A. Oh, these cards, I could only tell you approximately, probably a day or two after the 28th, Friday the 28th, we organized the nucleus, we called in this preliminary committee.

Q. Who called the meeting of May 28th at the Conrad Hotel?

A. The meeting was called by me for the Chamber of Commerce.

Q. And you testified that was because roads were being blocked and clubs were being carried, the community was alarmed?

A. That was because of the excitement in the community and the concern the community was showing towards the matter, and the concern of the various people about the inability—the way that the CIO was conducting their strike, and to give the Chief of Police an opportunity, if these were rumors, if he had any facts to give us, to allay excitement in the community and to be doing something to allay the deep concern which the community was beginning to show about this matter.

Q. When was the first time that you gave any indications to anyone that you were going to form a Citizens Committee?

A. At a meeting of our board, a special meeting of our board sometime before the 28th—the 28th day of May, the matter of appointing a committee for the purpose of keeping contact with the situation, was discussed.

Q. You say before?

A. Sometime after—sometime two or three days after the Conrad Hotel meeting, probably, I contacted Mr. Bordner, president of the Chamber of Commerce, and he select-

ed a small committee who would function for the Chamber, pending whatever action we took in the matter, or whatever we did about it.

Q. That would be sometime around May 30th, is that correct?

A. Sometime along in there.

Q. What was the date of the strike?

A. I believe the date of the strike was May 26th.

Q. In between May 26th and May 29th or May 30th, do you know whether or not there were any acts of violence, to your personal knowledge?

A. Yes.

Q. To your personal knowledge?

A. I saw none, I simply know what was said by the chief of police and what was telephoned into the office by various people who claimed to have witnessed it.

Q. You mentioned something about a meeting on Sunday, June 13th, at which an offer was made to raise some eight thousand odd dollars, is that right? Was that money ever raised?

A. No.

Q. Was that the meeting at which Switter asked for 52 additional police?

A. Yes.

Q. Did he specifically mention the number of police he wanted added?

A. He stated at that meeting—that was the meeting of Sunday—on Sunday he stated at that meeting that that is what he would need to bring the situation under control.

Q. May I ask you whether he specifically mentioned the number of 52?

A. Yes.

Q. You testified about a conversation of July 6th with Chief of Police Switter in which you asked him his relations with Major Curley, how his relations with Major Curley were?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Prior to that you had conversations with Major Curley?

A. I had had two conversations with him.

Q. In which Major Curley was interested in—were you interested in knowing how Major Curley's relations were with the Chief?

A. Not when I was taking to Major Curley.

Q. Was he the first one to mention anything about Chief Switter? Was Major Curley the first one to mention anything about—

A. Everybody had Chief Switter on their mind during this period.

Q. Were you instrumental in bringing Major Curley to the office of the police Chief Switter?

A. I was at that meeting in his office and I mentioned to him that Major Curley had indicated that he believed that it would be easy to secure these special officers if he would go about it in the right way.

Q. And you helped introduce Major Curley to Switter?

A. I did not, I simply told Switter that Major Curley would probably render him some assistance.

Q. And it was at your suggestion that Chief Switter called Major Curley?

A. No, it was not. I did not even suggest that he contact him. I simply mentioned Major Curley because of his quandry about getting special police.

Q. You thought that Major Curley might help, is that right?

A. He had said that he would be willing to help.

Q. And you told Chief Switter that he said that he was willing to help?

A. I told him that Curley had said that he would be willing to do what he could to help him.

Q. Now, you mentioned a meeting at the YWCA which was held on July 7th. Was Carl Meyers present at that meeting?

A. Yes.

Q. What did Mr. Meyers have to say at that meeting?

A. Mr. Meyers, the only thing I ever recall that Mr. Meyers said at that meeting, was somebody in the meeting insisted on the necessity of home guards, Mr. Meyers made the statement that he felt that the whole matter could be safely left with Major Curley, if he didn't need home guards, that was all up to him, the whole sit..ation could rest with him, he felt.

Q. Carl Meyers said that the whole situation could rest with him, he felt? Is that what you said? Major Curley?

A. Yes.

Q. Is that all that Carl Meyers said at that meeting?

A. The only thing of any importance that I recall on that occasion.

Q. How long did Carl Meyers speak at that meeting, do you know?

A. Probably a minute or two.

Q. That is all he said?

A. Yes.

MR. LAUTER: That's all—Oh, wait a minute.

Q. You testified about making some alterations in connection with finding a place for the National Guard?

A. Yes.

Q. Did you make such preparations for their coming?

A. Yes.

Q. Who paid for the expense of those alterations?

A. They have not been paid for.

Q. Have you been billed for them?

A. Yes.

Q. The Chamber of Commerce has?

A. Yes.

Q. Do you know where the National Guard finally was situated?

A. Edwin Jones School.

Q. Do you know if any of them stayed in the main office of the Republic plant?

A. I don't know anything about that.

(Witness excused.)

MR. DAY: Mr. Lester.

J. G. LESTER

A witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name.

A. J. G. Lester.

Q. Your age, Mr. Lester?

A. 61.

Q. And your residence?

A. 318 North Avenue, Massillon.

Q. How long have you lived in Massillon?

A. 43 years.

Q. How long have you lived in Stark County?

A. Just as old as I am. I was born in Canton.

Q. What is your occupation?

A. I am the President of the Massillon Rubber Company.

Q. And this plant is located in Massillon?

A. Yes, sir.

Q. Mr. Lester, have you taken an interest in the strike situation in Massillon?

A. I have.

Q. And what was the beginning of your interest in that regard?

A. Well, the beginning of the thing started, I had oc-
n to drive down to the Eaton plant on Oberlin Road,
soon after that strike started. I drove through a bunch
ckets at the entrance of the Republic. I saw the en-
e to the Enterprise Aluminum blocked. I saw a bunch
en, everyone of them with clubs. I drove up to this
. When I came back a picket with a club, this long
cating), assaulted me, he didn't hit me but he waved
lub at me, he threatened me and told me how fast I
ld drive a car in the City of Massillon. That is what
ed me in having an interest in this situation in Mas-
.

Q. When was that?

A. That was on the 26th day of May.

Q. That was about the day the strike began?

A. Yes, sir.

Q. After that, what, if anything, did you do with rela-
to the strike or any phase of the general strike situ-
?

A. Well, I didn't do a great deal except I was called
some of these meetings. I was at the meeting at the
ad Hotel about which Mr. Case spoke and I was called
other meetings. I was interested because there had
many acts of violence, telephone wires were cut.
I happen to be an officer of the Massillon City Hospital,
Beamer is on the Board of Trustees and he told us at
of our Board meetings about the telephone wires being
nto the Republic plant and he could not repair them
use Joe Morton would not let him go into the office. He
us there was a bunch of batteries in this plant that
ed to be recharged because the wires had been cut. They
not even property of the Republic Steel. That Joe
ton would not let him go in and recharge them and it
costing the Ohio Electric Power Company to the tune
everal thousand dollars.

TRIAL EXAMINER LINDSAY: We do not want

anything about any other company. Tell us about what happened in the Republic office.

THE WITNESS: This was in the Republic office.

TRIAL EXAMINER LINDSAY: Tell us what happened to the Republic Steel.

THE WITNESS: Well, I am telling you about batteries in the Republic Steel office that could not be recharged.

MR. LAUTER: I make a formal request to strike any reference to the Ohio Electric Power Company, any loss that they may have sustained.

TRIAL EXAMINER LINDSAY: Yes, that is stricken out.

Q. After the 26th of May, did you go down to the picket line at any Republic plant in Massillon?

A. Well, I drove by occasionally and every time I drove by I saw a bunch of pickets.

Q. Can you—

THE WITNESS: With clubs in their hands.

MR. LAUTER: I will ask the time to be fixed.

Q. Can you give us the time approximately when you drove by?

A. No, sir. I cannot. There were a number of instances but I cannot fix them. The only reason I could fix the first day was because I had been to the boat races between Harvard, Yale and Cornell that my boy had taken part in. It was the morning after I had gotten back. That is the reason I remembered the date in the first instance.

MR. LAUTER: May I request the witness limit the testimony to the facts in this case? What his son did at the boat races—

TRIAL EXAMINER LINDSAY: It doesn't do any harm.

Q. Coming now to the meeting on the 28th day of May at the Conrad Hotel, what time of day did that meeting take place?

A. That meeting was called, I believe, for 7 or 7:30.

Q. How many were there?

A. I could not answer exactly, somewhere around 25, I should guess, I don't know exactly.

Q. What, if any, city officials were there?

A. Chief Switter and Mr. Richard Hardman were the only ones who were there. The Mayor promised to come but he didn't come.

Q. What citizens were there that you can name?

A. Jim Hull and Charlie Boyd and Mr. A. H. Anthony. I do not know, there were quite a bunch of citizens, I didn't make a record. I think I can tell—no, I cannot tell you all who were there. Those three I particularly remember.

Q. Just give us an account of the meeting in your own way as near as you can remember.

A. Well, Mr. Case introduced the President of the Chamber of Commerce, Mr. P. J. Bordner, who had told us a meeting had been called to discuss with the city officials in the City of Massillon with regard to violence that had been taking place in the city and the meeting was called for that purpose to discuss the matter to see if there could not be some way in which there would be some semblance of law and order in the City of Massillon.

Q. Then what was said?

A. Then the Chief got up and made the statement substantially that Mr. Case has told you. He admitted there had been a break-down of law and order but he was handicapped because he had only a few officers on the police force, they were totally inadequate to handle the crowd such as there was picketing at the plants, he was doing everything he could in his power to handle the matter but if he didn't have police officers, it was impossible to do so, and arrangements were talked over as to how the city could be properly policed.

Q. What, if anything, do you recall that was said on that subject?

A. The Chief said nobody would like any better than he to go out and clean that, I don't care to use the language that Mr. Case used here, that bunch of Communists and so forth, up on Columbia Hill but he could not do it because he did not have an adequate police force.

Q. Do you recall anything else that anybody said?

A. Not a great deal. There was a general discussion there. Everybody admitted that the situation was serious.

Q. Was any action taken or was that just a discussion?

A. That was just a discussion, to the best of my knowledge.

Q. Did you become a member at any time of a Citizens Committee in Massillon?

A. I did, yes, sir.

Q. And when was that?

A. Well, I will have to refer to some records. I don't know the exact date. That was a meeting at the Women's Club on June 11th and I think the nucleus of that Committee was started after a talk by a Catholic priest in Youngstown at the Catholic high school.

Q. What was his name, do you remember?

A. I know it, I cannot tell you what it was.

Q. Father Koran, was that his name?

A. Yes, Koran, that is his name.

Q. All right.

A. Then there was a meeting at the Women's Club the following evening and they tried to get an organization to help the city to get adequate police force to stop the lawlessness that had been going on in the city.

Q. Is there—

MR. LAUTER: I would like the record to show that this witness, as the previous witness, is also referring to a card, from which he is testifying.

A. The only way I can have these dates in my mind is to put them down, if I have to have exact dates.

Q. Is there anything on that card besides dates?

A. Not a thing, dates and what happened on those dates. I made that notation yesterday because I knew I was going to be called here. I cannot remember all of these dates unless I have something to refer to. If you care to see it, you can see it.

TRIAL EXAMINER LINDSAY: Where did you get it?

THE WITNESS: I made it. I made it from the records in the Chamber of Commerce.

Q. Who all were on the Citizens Committee at the time of its organization?

A. Well, there was Mr. Jim Hall and Reverend C. B. Hess, Glenn Lanham and C. M. Schaffer. Mr. Preshaw and Mr. J. A. Schaidnagle, Jr., Mr. Tom Poll came on later.

Q. State whether or not the Republic Steel or any of its officers had anything to do with your becoming a member of that Committee.

A. They did not even know it as far as I was concerned.

Q. Did they have anything to do with it?

A. No, sir.

Q. When was the next meeting then that was held at which you were present?

A. Well, the next meeting was held on June 14th, that was in the Chamber of Commerce, in the afternoon. That was on June 13th in the Chamber of Commerce.

Q. How many were there?

A. Well, I think there must have been about 10 and the Chief of Police and Mr. Hoffman, the assistant city solicitor and Mr. Glenn Lanham and Jim Hall and Mr. Case, and I don't remember, there were a few more, I cannot name all of them.

Q. Can you tell us what took place at that meeting?

A. Well, we discussed with the Chief the situation in Massillon and he told us it was impossible for him to maintain law and order with the inadequate police force and we pointed out to him that we were there to help him if we

could and we asked him how many extra police he needed. He said he needed about 52. They needed that many extra police. They needed arms and ammunition and they did not have it. We asked him how much he would need. He said he would need in the neighborhood of $8,000, I think it was $8,200, I don't know exactly. We said to him, "Well, Chief, if we raise this money for you, will you be willing to go out and get these extra equipments that you need and the extra officers?" He said that he could not say definitely but that he would take it up with the Mayor. Well, we said, well, the Mayor has been invited to two or three of these meetings and he has never showed up and he said, "If you will call a meeting in the morning, I will bring the Mayor in in the morning."

The following day we had a meeting, the same bunch of men were there with the Mayor, the City Solicitor—

Q. Before coming to the following morning's meeting, can you remember anything else that was done at this meeting, the Sunday meeting?

A. That was Sunday afternoon, yes, sir.

Q. Was anything else said?

A. Well, a general discussion with regard to the situation in the City of Massillon.

Q. Can you tell us more specifically what was said or the substance of what was said in that general discussion?

A. Well, I don't believe I could give you anything much more definite. We discussed the whole general situation, houses being stoned, men being assaulted on the street, and he said that he wanted to do something but he couldn't do something unless he had these extra officers and extra equipment.

Q. Now, you say houses being stoned. Was it discussed whose houses were being stoned?

A. Men that were not joining up with the C. I. O. I could not give you any specific houses.

Q. And you say persons being assaulted on the street. Was anything said as to who was committing those assaults?

A. C. I. O., I mean. I know about two men who were assaulted.

MR. LAUTER: Just a minute. Let us fix who made these remarks. Let us find out who conducted this conversation.

Q. Can you tell who made any of these statements?

A. Chief Switter himself admitted that he did not have adequate police protection.

TRIAL EXAMINER LINDSAY: Read the question.

Q. Can you tell?

TRIAL EXAMINER LINDSAY: Just a minute. Read the question.

(Previous question read.)

A. Yes.

Q. Who were they?

A. Chief Switter made the statement that he did not have an adequate police force to properly protect the city and he did not have the equipment and he could not do anything more than he was doing unless he had it. That is one specific statement.

Q. Can you tell who made the statement you have detailed that houses were being stoned?

A. Some of the—it was simply—I could not tell you who said that. It was my knowledge because there was hardly a day that there was not something of that kind in the newspapers.

MR. LAUTER: I object to "it was my knowledge." I move it be stricken.

TRIAL EXAMINER LINDSAY: Yes. After all, Mr. Witness, it is facts we want.

Q. As I remember the statement was made at the meeting, but you cannot remember who made it?

A. That is right.

Q. Can you recall anything else that was said at this Sunday meeting?

A. Nothing more than that the Chief also said that if

we would have that meeting called again for the following morning that he would try and get the Mayor, to get him to accept our offer to raise $8000 or $8200 to properly equip the police force and get the extra men that he needed.

Q. Now, where did you have your next Monday morning meeting?

A. Chamber of Commerce office.

Q. Who were present at that meeting?

A. The Mayor, Safety Service Director Mr. Snyder, Mr. Hardman the City Solicitor, and Chief Switter.

Q. And who, among the citizens?

A. Well, about the same group that were there before, Mr. Hall, Mr. Lanham, Mr. Hess, I think Mr. Shaffer was there, Mr. Schaidnagle, Mr. Preshaw, I don't remember, Mr. Case—I don't remember who else.

Q. What was said at that Monday morning meeting?

A. About the same general line, after we presented the matter to the Chief or to the Mayor, after discussing with the Chief and the City Service—the Service Director, they agreed that if we would raise $8,000 they would put on the extra men and properly equip the police force. We agreed to do that.

Q. What, if anything, was done about raising that $8,000 approximately dollars?

A. They started out the next day to raise this money and they had raised in the neighborhood, I don't know the exact amount because I went away a day or so later, but they raised in the neighborhood of $1200. This was all turned back after the Mayor and the Chief backed out of accepting what they said they would do.

Q. Did anything else happen at that meeting?

A. No, sir, not that I remember.

Q. You say you went away shortly after that?

A. I was gone a day or so, yes.

Q. Just a day or so?

A. Yes.

Q. What was the next meeting that you attended?

A. Well, on June 20th Mr. Pole and I went out and made arrangements with Mr. Wefler and Attorney Maier to act as attorneys for this committee, which we had organized there.

Q. I have been asking you if you have been telling us about meetings. In between times, did you see the Chief at any time?

A. Occasionally. I never had very many contacts with the chief myself.

Q. Can you recall any conversations you had with the chief in the meantime, upon the strike situation?

A. I doubt very much whether I saw him. I don't remember seeing him.

Q. Well, you just told us about employing Mr. Maier and Mr. Wefler as your counsel.

A. Yes, sir.

Q. After you had employed them what was done?

A. Well, then they prepared the petition which we presented to the Mayor requesting the city to augment their police force by extra men and extra equipment. They prepared that petition.

Q. I will hand you Board's Exhibit 2 and ask you to look at it and tell us whether that is a copy of the petition?

A. Yes, sir, that is a copy of the petition.

Q. Did you sign it?

A. I did.

Q. What, if anything, else took place when that petition was presented to the Mayor and the Chief of Police?

A. Well, when the petition was presented to the Mayor it was read to him by our attorney, Mr. Wefler, and there were two or three members of our committee present, and after the Mayor had agreed that it was necessary to do this thing, he asked us what our attitude would be on the raising of this $8,000 which we had agreed to raise.

Our reply was that we had returned the money which we had started to raise, and that inasmuch as they had

agreed to accept it and then turned it down, we couldn't feel that we should go back to these people and ask them to re-subscribe but we said, "We will help you in every way we can, to help finance this matter through legal means, and our two attorneys, Mr. Wefler and Mr. Maier showed to the City Solicitor a statute on the statute books of Ohio whereby the city, in an emergency, had power to borrow this money.

Mr. Hardman asked us if we would go with him to the three banks in Massillon and see if we could make arrangements to borrow this money. Mr. Hall, Mr. Hardman and I contacted the Ohio Merchants Trust Company, the First National Bank and the State Bank and we got a tentative agreement from those officials that they would loan this money to the city provided they could get their boards to approve it, and we did that much towards helping him raise the money.

Q. What else took place at that meeting there, when the petition was presented, and you can remember anything else?

A. I do not think there was anything else there. I do not remember anything.

Q. What was the next meeting that you attended?

A. Well, the Back-to-Work Committee had been contacting me a great many times, or different members of it, Mr. Becker and Mr. Walsh and Mr. Linckenhely, a man by the name of Joe Charlton, who wanted to go back to work, who had been coming to my house many times, wanted to know if our committee could assist them in getting a count of the number of men that would like to go to work. We did everything we could to help them and finally—

Q. Now, you say they came to your house?

A. Yes, sir.

Q. Why did they come to your house, do you know?

A. Because I lived there, I suppose.

Q. And how many times did they come to your house?

A. Well, I can't—they came there a great many times. I don't know.

Q. How many times did they come there?

A. I can't answer you that. They came a great many times, for a time there, there was not a day that there were not two or three of them.

Q. And what did they discuss with you?

A. They discussed with me the matter of getting back to work and the means whereby they could get a vote or at least a petition of the men indicating how many wanted to go back to work. My question to them all was: How many of you men really want to go to work? And their reply always was: A very large majority.

Q. Over how long a period was it that they came to your office to talk to you about that subject?

A. Oh, at least two weeks. I don't know exactly.

Q. What, if anything was done on that Back-to-Work Committee?

A. Well, they tried to have their petition circulated through the town. Mr. Fred Becker himself, who was one of the boys that wanted to go back to work, circulated petitions, and a number of their men had been assaulted by CIO men and the petitions taken away from them and torn up, and they had a very difficult time.

Q. Did they tell you that?

A. They did.

Q. All right, go ahead.

A. They had a very difficult time in getting that done. Then this movement was started to have a place to have the men come to register, and the old Union National Bank Building—arrangements had been made to have that. When we had started—when that arrangement was made, the men started to go in, in this building, ready to sign their petitions in there, and Chief Switter would not permit them to use it because he stated it might incite a riot on the streets of Massillon.

Q. Were you told that by these men?

A. Yes, sir.

Q. Go ahead.

A. Well, they went up to the Chamber of Commerce and they started to register up there and the beginning of signing of the work petitions—Back-to-Work petitions at the Chamber of Commerce I think was on June 30th. I was up there a very large part of the time during which most of the men came in, and they were very happy that the arrangements were made that we could come there and sign up these petitions because they had been blocked from having meetings by the Mayor and the Chief and they had been refused permission to use this National Bank Building.

Q. So far as you know, did any Republic—any officer of the Republic have anything to do with the Back-to-Work Movement?

A. No, sir.

Q. Then what happened next?

A. Well, the petitions were signed up, I don't know exactly how many it was—I have heard all the way from 2500 to 2900 men came in there and signed. I saw them coming in there because I spent a good part of my time up in the office while that Back-to-Work Movement was on.

Q. Why were you doing that?

A. Because I was interested in the situation in Massillon.

Q. What do you mean by that, interested in what situation? In what way?

A. Well, I have lived in Massillon for 43 years, and it certainly did not set very well with me to have Joe Morton mayor of the city of Massillon, if you want to know the exact truth.

Q. What happened next?

A. The petitions were completed and I think the following day the National Guard came into town, on July 1st and the mill was opened.

Q. How long did the National Guard stay there?

A. I don't know exactly, a week or 10 days. I don't know exactly.

Q. And the mill opened up?

A. They did.

Q. On July 1st, was that it?

A. That is when the National Guard came in. I can't tell you the Monday they opened.

Q. Then did you attend any further meetings after the 1st of July?

A. Yes, sir.

Q. What was the date of the next meeting that you attended?

A. I don't know.

Q. Can you fix it approximately?

A. Well, it was—one or two meetings after June—July 11th, my committee wanted a report as to what had happened after this riot and we had a meeting. I don't remember the date of it. It was very soon after July 11th.

Q. Did you attend the meeting at which it has been testified Major Curley was present?

A. No, sir, I was not at that meeting.

Q. You didn't go to that meeting?

A. No, sir, I didn't even know about it.

Q. Did you attend any meeting of your committee at which the subject of special policemen or more policemen for Massillon was discussed?

A. Well, I attended that meeting at the YWCA, at which the heads of different industries were called in to submit names of men who might be selected, yes, I—

Q. What was the date of that?

A. That was—I don't know, I haven't got the record on that.

Q. You haven't got that on the card?

A. I was there, but I do not know—

Q. Well, about when was it? About when was it?

A. Well, it must have been somewhere between about

the 25th and the 30th, I can't answer you on that, I don't know.

Q. What took place? Where was it held? YWCA?

A. At the YWCA.

Q. Who were present?

A. Well, there was Tom Poe, Mr. Jim Hall, the Mayor, City Service Director, and the Chief of Police, Mr. Dick Hardman, and Mr. A. H. Anthony, Mr. John Luckner, a lot of other men, heads of different industries. As I got into the building I saw Mr. Carl Meyers eating his lunch downstairs. I spoke to him and I says, "You better come upstairs for a minute with us up there." And he came up. I don't remember. Mr. Case, Mr. Luckner was there, and Captain—Major Curley.

Q. What took place at that meeting?

A. Well, the explanation was made that the Mayor had decided to put on extra men and that Major Curley was going to assist him in the selection of these men, and they asked or requested all the heads of industry to submit a list of names of good men who might be able to serve on the police force, preferably property owners, so that they could have good reliable men, that is about all there was.

Q. Mr. Lester, your first name is what?

A. Jonathan.

Q. Jonathan—J. G. Lester?

A. That is right.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Lester, would you mind letting me see the card that you have there?

A. Yes.

Q. You didn't quite get a chance to finish this card?

A. I finished up all I wanted.

Q. Well, you didn't get to the meeting on July 7th

when Mr. Curley was present, and Mr. Meyers was present?

A. Well, I have not written that down, just made this yesterday.

Q. Where did you make this card?

A. I made it in the Chamber of Commerce, where they have records of these different meetings.

Q. Is that where Mr. Case made his record up?

A. I don't know where Mr. Case made his record.

Q. Were you all alone when this record was made?

A. No, sir, Mr. Case handed me the records to pick it out of, which I did, and I overlooked getting that. I don't know, I may not have a record of that, but I simply refreshed my memory to the best of my ability, knowing that I would be asked different dates, and I can't remember all of those dates.

Q. Do you recall at this meeting July 7th Mr. Carl Meyers as Mr. Case has testified, said, "Leave everything to Curley."

A. I don't know that he used those exact words, he said, "Captain Curley had been selected by the chief to make the selections," and that Curley would handle the selection of these men.

Q. Curley would take care of the selection of the men who would be special deputies, is that correct?

A. I think so.

Q. Now, only women are employed in your industry, is that correct?

A. No, sir, not correct.

Q. Men employed, also?

A. Yes, sir.

Q. Did you send down any men?

A. No, sir.

Q. How did that happen?

A. We couldn't spare any.

Q. Couldn't spare any?

MR. LAUTER: That is all.

(Witness excused.)

THOMAS POE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Thomas Poe.

Q. Where do you live?

A. Corner 5th and Breen, southeast, Massillon.

Q. How long have you lived in Massillon?

A. The 19th of next month will be sixty years.

Q. All your life?

A. Yes.

TRIAL EXAMINER LINDSAY: Off the record.

(Discussion had off the record.)

TRIAL EXAMINER LINDSAY: Just strike that last out of the record.

Q. (By Mr. Pontius) What is your business?

A. Well driller.

Q. How long have you been engaged in the business, in Massillon?

A. 37 years.

Q. Did you become a member of this Citizens Committee at any time?

A. I did.

Q. And about when did you become a member of that committee?

A. About the 14th of June.

Q. What did you do in connection with that committee, after you became a member? What is the first thing you did?

A. I suggested that if I was going to be a member of

the committee, I wanted some legal guidance, so that what we did was in the proper way to have law and order, that I was not interested in bringing any strike, I was not interested in Republic Steel. I just wanted to assist our city officials.

Q. Did the Republic Steel Company have anything to do with getting you interested in this Citizens Committee?

A. Nothing whatever. I never had a conversation with the Republic Steel at their solicitation. The few things that I asked, I requested the conversation myself.

Q. Now, did you in company with Mr. Lester make some arrangement with some attorneys?

A. I did.

Q. And who were those attorneys?

A. Mr. Wefler and Mr. Maier.

Q. And after that what did you have to do with this committee?

A. I told them—the attorneys prepared a petition to be filed with the Mayor and the city solicitor.

Q. Did you sign that petition? Do you know?

A. I did.

Q. I hand you Board's Exhibit No. 2, and I will ask you if that is a copy of the petition?

A. I did. That is the petition.

Q. Now, were you present when that petition was presented to the Mayor and the solicitor?

A. I was not.

Q. What next did you have to do with this strike situation in Massillon?

A. On July 4th or July 3rd I heard rumors that there was a possibility of the soldiers leaving Massillon.

MR. LAUTER: I object to what the witness heard, rumors he heard at any rate.

MR. PONTIUS: Yes. Well, it is not very material one way or the other.

Q. Did you see anythng?

A. That prompted me to go to Canton, to see General Marlin.

MR. PONTIUS: May I have a ruling on my question, please?

TRIAL EXAMINER LINDSAY: Overruled. Let the record show an exception.

MR. LAUTER: Exception.

Q. Who is General Marlin?

A. In charge of the National Guard.

Q. And did you learn from him, with respect to the National Guard leaving?

A. I did.

Q. And then I do not care for any conversation with the General, but did you leave after that, or what did you do after that?

A. We met in the evening of July 5th at Mr. Lester's house with the committee, General Marlin and a captain whose name I do not remember.

Q. Were you at the meeting following that evening, at the Mayor's office or chief of police office, on July 6th, do you recall?

A. I was.

Q. And who else was at that meeting, do you remember?

A. Yes, I remember J. Lester. I remember Mr. Lanham; Mr. Hall. There was quite a representative group there, Mr. Schaidnagle, Mr. Prashaw and others.

Q. What city officials were present?

A. The Mayor, the chief of police, the city solicitor, Richard Hardman.

Q. Can you relate to the Board what was said at that meeting?

A. The Mayor told me in the corner, he said, "I am sick of the whole thing and I am ready to resign and get out," and I said, "You can't do that. You have got to stick on."

The Chief of Police said, "If there is going to be trouble down on the hill," he said, "I wish they would go ahead and wind it up," he said, "let them go and fight it out."

I told the Chief he can't do that, we have got to have some police, we have got to have adequate police force. Someone suggested Major Curley, the Chief said—the Chief phoned and called up some person and requested that they find, locate Major Curley, and later on Major Curley called in and they had a phone conversation but I did not hear the details. I do not hear very well.

Q. Now, can you relate anything further that was said there in respect to what they intended to do or planned to do?

A. At that time the Chief favored having the home guard. I was insistent that we have some guards, just to protect the streets and the neighborhoods, and he favored that.

Q. Anything else said that you recall at that meeting?

A. I do not recall anything of importance.

Q. Just for the purpose of refreshing your recollection, after the purpose of getting in contact with Major Curley, what was the purpose of that, if you know?

A. To assist the Chief in getting men to serve as policemen. The police was very much puzzled and did not know just where to get the men.

MR. LAUTER: I move that last remark be stricken out.

MR. DAY: We concede that.

TRIAL EXAMINER LINDSAY: That is stricken out.

Q. Well, did he say that?

A. He did.

Q. What did the Chief say in that respect, if anything? What did the Chief say about that?

A. The Chief said, "We don't know where we will get the men."

TRIAL EXAMINER LINDSAY: If you will confine yourself to what the chief said and what you said, we will get along a whole lot better.

THE WITNESS: All right.

Q. (By Mr. Pontius) Was there any subsequent meeting that you attended when the Chief--

A. I didn't hear you.

Q. Was there a meeting later that you attended?

A. I did. I attended a meeting on July 7th at the YWCA.

Q. That was a luncheon meeting, then?

A. It was.

Q. Can you give us the names of some of the people that were there?

A. Yes, Mr. Humberger, Mr. Emery, Mr. Lester, the Mayor, Chief Switter, Mr. Curley, Rev. Hess, Glenn Lanham, a representative of the Union Drawn Steel, I don't remember that gentleman's name.

Q. Did you have a talk with the Mayor before the general speaking took place there?

A. I did not.

Q. Did you have a talk with the Mayor at any time there?

A. I did, right following the meeting, before I left the table.

Q. Before you left the table?

A. Yes, sir, I stood up in my chair.

Q. Was there speaking made, there, to the crowd?

A. There was.

Q. Who spoke?

A. Major Curley, he outlined the plan. He sat beside the Chief. The Chief said Major Curley would explain the plan to the group.

Q. What did Major Curley say, as you recall?

A. Major Curley said they had a definite plan for enlarging the police force.

Q. Did he say what it was?

A. The employment of additional policemen.

Q. Do you recall anything further that he said? How they could get them?

A. Yes, they requested that the various employers shall relieve certain men that he would want, that he would select.

Q. Now, when did you have this talk with the Mayor then?

A. Just following the luncheon, just before I left the table.

Q. Following these other talks, do you mean?

A. Yes.

Q. When these speeches had been made?

A. Yes.

Q. What did the Mayor say to you?

A. I said to the Chief, "Now, what has become of the home guard?" He said, "We are not going to do that. We are going to have regular officers." And the Mayor came back the length of the table and he tapped me on the chest and said, "You just wait," he says, "you just wait," he says, "we have got Major Curley now and he is going to secure the men to help us in organizing."

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) At this last meeting—

A. Talk a little louder. I am a little hard of hearing.

Q. At this last meeting that you just testified about, Major Curley was present, is that correct?

A. Yes, sir.

Q. And was Carl Meyers present?

A. Yes, sir.

Q. What did Carl Meyers say?

A. He said that they would reopen the plant. The men were anxious to return provided the city would give proper protection to the employees.

Q. Did Curley outline a plan as you say about getting additional policemen?

A. The Mayor said that we—

Q. I am not—I am asking about Curley. Did Curley outline a plan for getting additional policemen?

A. He asked if the manufacturers would release to him the men whom he would select.

Q. Did you hear Mr. Case's testimony?

A. I heard part of it.

Q. Do you know whether or not at that meeting on July 7th Mr. Carl Meyers said, "Leave everything to Curley?"

A. I don't recall his saying that.

Q. What did Mr. Meyers say about Mr. Curley?

A. I don't believe I recall.

Q. Well, what did Mr. Meyers say? Tell me everything that you do recall that Mr. Meyers said at that meeting.

A. Well, Mr. Meyers said that they would open their plant if the city officials would give their men protection, so they could come in and go out without being molested, which personally I was interested that the plant be opened.

Q. Why were you interested that the plant be opened?

A. Because I had property in Massillon and Massillon is a manufacturing town.

Q. And the fact that the plant was closed affected you economically?

A. It would if it were continued long enough.

Q. And you were interested in having the plant opened?

A. Yes.

Q. Were you involved with other members of the Citizens Committee?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: Objection sustained.

Q. Did you ever have any conversations with any of the members of the Citizens Committee about having the plant opened?

A. I presume I would have but I think that I recall that I was very much interested in.

Q. Do you recall any other members of the Citizens Committee telling you that they were interested in having the plant opened up?

A. No.

Q. How was the Citizens Committee formed?

A. I don't know. I was not in it at the start. I came in later.

Q. You said you had some conversations with Republic Steel Company officials, is that correct?

A. Yes.

Q. Never at their instance but always at yours, is that correct?

A. That is right.

Q. With whom did you have conversation?

A. I called up Mr. Meyers and I asked him if the plant was going to remain down or whether they were going to open it up.

Q. And you were interested in having it opened up?

A. I am.

Q. What did Mr. Meyers say?

A. He said if the men had proper protection, they were inclined to open it.

Q. Did you have any other conversations with any other officials of the Republic Steel Corporation or is that the only one time you had a conversation with an official of the Republic Steel Company?

A. That is all.

Q. Was that the only thing that was said at that conversation?

A. That is all that was said.

Redirect Examination

Q. (By Mr. Pontius) What was your interest in this, what got you interested in it?

A. Principally because they were disorderly. The papers carried items about men being molested on the street.

MR. LAUTER: I will object to what the papers carried.

TRIAL EXAMINER LINDSAY: Yes, that objection is sustained unless you know it and saw it.

MR. LAUTER: I will object to the question as to what this witness' interest was. I move to strike his answer.

TRIAL EXAMINER LINDSAY: No. I think he has the right to go into that. I overrule the objection.

MR. PONTIUS: The part that is excluded is what was in the papers?

TRIAL EXAMINER LINDSAY: That is right.

Q. Did you see any instances of disorder yourself, Mr. Poe?

A. Pardon?

Q. Did you see any instances of disorder yourself?

A. No.

Q. What?

A. No.

Q. Did you read the papers at that time?

A. Yes, sir.

Q. Have you anything further to add as to how you became interested in the Citizens Committee in the situation?

A. Yes, I learned from our Committee that there was a problem confronting them, financing additional police officers, and I thought with attorneys we could rather advise with the City Solicitor and find out a means of getting that if they needed it.

Q. What was your purpose in that?

A. To put on additional police if the Chief felt that he needed more officers.

MR. PONTIUS: I think that is all.

Recross Examination

Q. (By Mr. Lauter) Your primary interest, however, was as a property owner in Massillon to see that the Republic Steel plant opened up?

A. I would say as a citizen.

Q. As a property owner, too?

A. I didn't have to have property but as a citizen I would still be interested in the interests of the town.

Q. But you still have the property?

A. I do.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

REVEREND CHARLES B. HESS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) State your full name, please.

A. Reverend Charles B. Hess.

Q. Where do you live?

A. I live in Massillon, 324 North Avenue, Northeast.

Q. I believe you are a minister?

A. Of the First Methodist Episcopal Church.

Q. How long have you been located in Massillon?

A. Three years, finished up three years this week.

Q. Did you become interested in this strike situation?

A. Being a minister, I naturally would be interested in a situation like that. I am always interested in what affects the well-being of men and women.

MR. LAUTER: I object to the form of the question and move the answer be stricken out.

TRIAL EXAMINER LINDSAY: I believe we could shorten the matter so much if we would ask the question what he did in the strike and leave the interest out of it.

MR. PONTIUS: I am just coming to that.

Q. What, if anything, did you do in connection with the Citizens Committee?

A. By the way, I haven't my notes taken down, so don't ask me too much about dates, but on the 10th of June I was asked to introduce Father Koran at a public meeting and having heard him, in the afternoon or at the noon time, and knowing something of what he was going to say, I did not hesitate. That was my—

Q. You introduced him?

A. That was my beginning.

Q. What meeting was that?

A. A meeting that was held in the high school auditorium.

Q. And did you then become a member of the Citizens Committee?

A. I attended a meeting the next night at the Women's Club and following that meeting I was asked if I would mind sitting in. The Committee had already been formed, I believe, but at the Women's Club this Committee was constituted who would represent the 16 different organizations, I believe, that were represented there.

Q. Do you remember who was present at that meeting?

A. No. There was a great crowd of folks there, I don't remember.

Q. After that, did you sit in any meetings attended by the public officers of Massillon?

A. Yes, I attended a great many different meetings. I didn't attend all the meetings that were held, but I attended a number of meetings, when my duties did not keep me away.

Q. Do you recall the first one that you attended?

A. Well, I remember my—the meeting of the men to sign on June 30th, July 1st, July 2nd and 3rd. I was particularly interested in that because I had heard rumors of force and wanted to see for myself, so I was in there quite a bit.

Q. Where were you?

MR. LAUTER: I will move any remarks with respect to rumors be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, I will sustain the objection.

A. It was in the Chamber of Commerce room.

Q. All right. Was anything that you did in connection with this matter instigated by the Republic Steel?

A. Absolutely not.

Q. Well now, what took place, to your knowledge, at the Chamber of Commerce rooms?

A. How is that?

Q. What took place at the Chamber of Commerce rooms?

A. This was in a private office of Mr. Case and they had a long table, in fact, a couple of tables in there, and the men came in and signed up in the respective departments, those who desired to go back to work.

Q. Do you know how many men signed up?

A. I didn't—only as I was informed and I saw a great

number come in there. In fact, so many that the two elevators could hardly bring them up fast enough.

Q. How many of those dates were you in attendance at these rooms?

A. Probably three of the four days I was in there, in and out. Just as I could go in.

Q. Well, following that did you attend any meetings of the Citizens Committee?

A. I attended a meeting, that Sunday afternoon meeting that has been referred to, on July 13th, I think it was, in Mr. Case's—in the Chamber of Commerce room with the Chief of Police.

Q. You don't mean July 13th?

A. No, June 13th.

Q. June 13th?

A. Yes.

Q. That is Sunday afternoon?

A. Sunday afternoon meeting. I was there.

Q. Tell us your recollection as to who was there that afternoon.

A. Well, the various members of the Committee I think were practically all present and the Prosecutor, Mr. Hoffman, and the Chief.

Q. Is that the first meeting of the Citizens Committee that you attended? I don't know whether you attended the one at the Conrad Hotel.

A. No, I was not at that meeting.

Q. You were at the June 13th meeting?

A. I was at the June 13th meeting.

Q. Tell us what occurred on that occasion.

A. Well, I remember that the Chief used very strong adjectives, which a minister is not supposed to use, in expressing the situation, in his great need for materials to equip his force and lack of men, and I remember he said he wanted 52 and I wondered why he wanted 52 and he said he had 13 men and he would put each one of his men over four, so that he would have that many squads and he

agreed at that time—so when he asked the Citizens group to assist financially, they agreed he was to do it.

Then the question came up as to whether or not the Mayor would O. K. this and he agreed to bring the Mayor into the meeting on Monday and then further in this meeting the Chief mentioned, as already has been referred to, about the stealing.

Q. What was said about it, just tell what was said?

A. Well, what has been reported here is accurate. He said when he went down there he took some fire arms and sawed-off shotguns or weapons and so forth but he almost swore us to secrecy.

Q. What did he say?

A. Well, he said he needed them and he was down there and he saw them and he just took them in the office. The reason that nothing was said about it, we were really in confidence and he charged us to tell no man, and here I am doing it.

TRIAL EXAMINER LINDSAY: Well, of course, you are under oath. You are supposed to tell the truth.

A. Yes, sir.

Q. What else did he say with respect to getting this ammunition?

A. How is that?

Q. What else did he say with respect to getting this ammunition? Did he say anything more?

A. Well, it seems to me almost a repetition. He spoke of how powerless he was to do the things he would like to do. He didn't have the force. It has been gone over here time and time again.

Q. Was anything said there about the situation existing in Massillon at the time?

A. Yes, he said it was bad and he didn't know what to do and so forth and so on. I attended a meeting later.

Q. Did you attend a meeting the next day then?

A. No, I didn't attend a meeting the next day. That

was my college commencement. I was not there.

Q. What meeting did you attend?

A. I attended a meeting, I don't know whether it has been referred to or not here, in the Mayor's office in which this Citizens Committee, as we call it, and certain other men, representative citizens, I believe the President of the First National Bank and the President of the First National Trust Company and several others were present at that time and they urged, the Mayor and the Chief the necessity of strengthening of the police force to cope with the situation.

Q. Do you remember when that was?

A. I would have to hunt up the notes, and I do not have them here.

Q. Were there any attorneys present at that time?

A. Yes, Attorneys Maier and Wefler, I believe, were present.

Q. Do you know whether that was the occasion that the petition was presented, do you remember that?

A. No, I was not present when the petition was presented, although I know about the petition and signed it.

Q. This petition that is in evidence here as Respondent's Exhibit 2?

A. That petition was brought before our Ministers Association, and we all signed it.

Q. Well, going to this meeting that you have referred to where some of the business men of Massillon were present, what public officials were there?

A. Well, Hardman was there, the Chief was there, Chief Switter and the Mayor is all, those three, in the Mayor's office.

Q. Do you know when that was?

A. No, I couldn't tell you exactly.

Q. About when?

A. It was a little while before that Captain Curley was taken into the situation. It was a little while before that.

Q. How did you happen to attend that meeting, were you called?

A. Yes, sir.

Q. Tell us about that.

A. Well, all I know is that feeling the sense that something must be done to avert tragedy in our city, we must have protection, we made this appeal to the Mayor and to the Chief.

Q. Now, what was said at that time?

A. Well, the main thing that I recall was passing the buck from the Mayor to the Chief and from the Chief to the Mayor and so forth and finally the Chief said, "Well, we will go ahead. Let us have 50, 100, 200 and have the G. D. battle over with."

Q. Do you know whether that was before or after the troops came into Massillon? It has been testified to that the troops came in the 1st of July.

A. Well, I am speaking under oath and I will speak with accuracy as nearly as I can. I think that the troops were still there but that we had pretty definite information that the troops were going to slip out without much notice.

Q. Now, did you attend any meeting which was attended also by any of the city officials following that time?

A. No, I believe not.

Q. Did you attend any other meeting that I have not asked you about that you recall?

A. Well, I am sure I did but I could not recall the meeting.

Q. Now I will ask you if the Republic Steel Company instigated you to take any interest in these matters?

A. Certainly not.

Q. Did you have any interest in attempting to break this strike?

A. Certainly not. I have friends on both sides.

Q. How did you become interested in this?

A. Well, I think I answered that.

TRIAL EXAMINER LINDSAY: Oh, it doesn't

matter, Mr. Pontius. We are only interested in what he did and what he saw.

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) You stated that you attended a good many meetings of the Citizens Committee?

A. Yes, this was really, the real name of that was, I believe, the Labor Relations Committee, unaffiliated, of course, to the Labor Relations Board.

Q. But it was a committee?

A. Yes.

Q. You attended a good many of their meetings?

A. Yes. I tried to attend all meetings when I received notices unless my duties as a minister kept me away sometimes.

Q. And you were interested in not having any tragedy occur?

A. Absolutely.

Q. You have friends on both sides?

A. Yes.

Q. What do you mean by both sides?

A. There are members of my congregation who are employed by Republic Steel and there are members of my congregation who are C. I. O.

Q. And you were interested in what affects the welfare of men and women, is that correct?

A. Yes.

Q. Did you hear about the July 11th shooting of two strikers?

A. Yes, I heard—

Q. Did you hear about that?

A. Sure.

Q. Did you make any investigation of that?

A. How?

Q. Did you make any investigation about that?

A. I heard the story of it the next day. I was at home. I was not down there.

Q. I am asking you whether you made any investigation of that?

A. No; not personally.

Q. Although you were interested in the welfare of men and women in Massillon?

A. Yes, sir.

Q. Do you know a foreman by the name of Henderson who works at the Republic Steel Corporation plant?

A. I know there is such a man. He is not an acquaintance of mine.

Q. Did you hear that he led a party that broke into houses on July 11th and arrested the men without a warrant?

A. That would be hearsay for me.

Q. I am not asking you whether that would be hearsay. Did you hear that he led a party that broke into houses on July 11th and arrested the men without a warrant?

A. Sure.

Q. Did you make an investigation of that?

A. Well—

Q. Did you or did you not?

A. No, I didn't. I didn't get out. I kept away from town there.

Q. I know. Did you hear the men were kept in jail for two or three days without any food at Canton and Massillon?

A. No, I didn't hear that.

Q. Did you hear there was a great number of men arrested in Massillon on July 11th?

A. Sure.

Q. Did you make any investigation of their arrest?

MR. DAY: I object to that.

A. It was not my business.

TRIAL EXAMINER LINDSAY: Let the record show an exception. Objection overruled.

MR. DAY: Except.

Q. Do you know the strike headquarters located on Cleveland Avenue near the plant?

A. I never visited them.

Q. That is what I want to find out, whether you ever visited that bullet-ridden strike headquarters?

A. No.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Pontius) Just a minute. I want to ask a question. Did you feel it was your duty to make any personal investigation of this matter?

A. Certainly not. I talked with individual members of the C. I. O. who were in my congregation but I didn't feel it was anybody's place to stick their neck out there then.

Q. Let me ask you this: From your knowledge of conditions there in Massillon, what did you feel would happen unless there was adequate police protection?

A. There, that is a question I would like to be permitted to answer.

Q. That is what I am asking you.

A. From my most sober judgment I am positively of the opinion that if we had not had the police there on the night of the riot that we might have had not two men killed but maybe 50 or 100 or more killed, that is my conclusion.

Q. Why do you say that? What is the reason for that?

A. Well, my reason is this, contacts that I had had with men, the Back-to-Work men, who felt that they have been denied meetings when the C. I. O. were granted the privilege of having meetings and from the number of things, the accounts that appeared in the paper and what happened,

the fights and the rocks that were being thrown, that they were in no temper to stand any more. This is hearsay but I have understood that many of them were ready for trouble.

(Discussion had off the record.)

MR. DAY: That is all.

MR. LAUTER: One more question.

Recross Examination

Q. (By Mr. Lauter) You testified about a meeting of June 13th at which Chief Switter stated that he took some guns and sawed-off shotguns and other ammunition out of the Republic office. Do you recall the exact language or as closely as you can recall the exact language? Will you tell us what Chief Switter said?

A. I think he used the words, "Now I am going to tell you men something. I am going to let you in on something." He had been speaking of his scarcity of ammunition. He had no gas bombs and so forth, "But you are not to tell this on me but I am letting you men—" He wants to let men out of the main office or main gate of the plant and he went in there, he used the word "steal" or "stole", that he took them just simply because he saw them in the office, as I understand, and he needed them and he therefore took them. He said, "But I don't want you to tell this on me."

Q. You say that he said he took the ammunition out that he saw when he was letting some men out of the plant. Were these employees of the plant that he was referring to?

A. That is when he had occasion to go back. When the men would come out of the plant, they would come out, as I understand, under the leadership of the Chief through the C. I. O., who were picketing.

Q. Who were the men whom he said he was bringing out of the plant? To your understanding, were they employees who were inside of the plant?

A. Yes.

Q. And at the time he stole this ammunition or took this ammunition out he was accompanied by employees of the plant?

A. He didn't say anything about that.

Q. Did he say there were men coming out at that time?

A. No, I don't think he did.

Q. Tell me again what you said he said.

A. I understood him to say that as he passed through the Republic office and I remember he said tear bombs and guns and I think he said sawed-off shotguns and he said, "I took them because I needed them. I stole them."

Q. Tell me what he said about the men leaving the plant.

A. Well, he was not particularly talking about it. I was telling that.

Q. What he was particularly talking about, I am not interested in. I want to know what he said about men leaving the plant.

A. I don't recall he said anything about men leaving the plant.

Q. If the record should show that he said something about men leaving the plant, do you want to change your testimony?

A. No, I said he had occasion to go in and out of the plant.

MR. LAUTER: Will you read the question to the witness again, please?

(Previous question read.)

A. I did not change my testimony, no.

Q. On July 11th the shooting took place, is that correct? You testified a few moments ago on redirect that if there had not been police there, that more than two would have been killed, is that correct?

A. I say—I testify that it was my judgment, taking the balance of two factors in the situation, from all sides, that we would have had something that would have been

staggering for this whole country, if we had not had the police there.

Q. Did you say something about non-strikers being in an ugly mood?

MR. DAY: I didn't understand that.

A. Well, I said this, that they had gone to the point that their endurance was about at the limit.

Q. Do you know whether or not any non-strikers were out in that section on July 11th?

A. I do not, except I know that they were at the regular shifts I believe 3 and 11 and 7, the men entered and left the plants at that time.

Q. Do you know whether or not any policemen were killed that night?

A. I think I can say there were no policemen killed.

Q. Do you know whether there were any strikers killed, any members of the CIO killed?

A. Two.

Q. Two?

A. Either killed or died as a result.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess had.)

JAMES B. HALL

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Please state your name.

A. James B. Hall.

Q. Where do you live, Mr. Hall?

A. 1031 Irvington Avenue, N. E., Massillon, Ohio.

Q. What is your business?

A. First Savings & Loan Company.

Q. Are you an officer in that company?

A. Yes, assistant secretary.

Q. How long have you lived in Massillon?

A. Since Thanksgiving Day, 1930.

Q. You were living there during the months of May, June, and July of this year?

A. Yes, sir.

Q. Were you a member of this so-called Citizens Committee?

A. Yes.

Q. I will ask you to state whether or not you were present at the Conrad Hotel on the evening of May 28th?

A. Yes, sir.

Q. Will you state who was there at that meeting?

A. I won't be able to recall them all. I will name as many as I can. Mr. Arthur Anthony of Massillon—all of these are from Massillon, of course—J. Lester, D. W. Case, P. J. Bordner, Richard Hardman, Stanley Switter, L. B. Beamer, Captain Spuhler, W. H. Crawford, Charlie Boyd, Mr. Berger, John Klinge. That is all I can recall offhand.

Q. How did it happen that you went to that meeting? How did you get an invitation to it?

A. Someone from the Chamber of Commerce called our office, the First Savings & Loan Company, and asked whether or not we would be interested in sending a representative to a meeting that was to be held at the Conrad Hotel, and I went.

Q. Now, were you there throughout that meeting?

A. I was there when it started and when it ended.

Q. Please state your recollection of what occurred and what was said at that meeting as fully as you can.

A. The meeting was in charge of P. J. Bordner, the president of the Chamber of Commerce, who called the

meeting to order, and called upon the Secretary, Mr, Case, to relate the purposes of the meeting, which he did, and called our attention to the fact that—

Q. Just tell us as fully as you can, what did Mr. Case say?

A. He said that various people had been calling his office and making statements about the strike and the strike areas, and that they had called the meeting, the meeting had been called for the purpose of getting as much accurate information, so that he would be in a position to answer questions.

Following Mr. Case, Stanley Switter, Chief of Police, took the stand. He stated in the first place that he realized that all along the line there had been numerous cases of violence and lack of orderliness. He said that he had been down along the line and would be in a position to give us first hand information.

He stated that all he saw on the picket line was a bunch of niggers, hunkies, Spaniards, and I am quoting him. "They are nothing but a bunch of Communists and nothing would please me any better than to go down and clean them up."

Quoting him again, he said, "Just a few days ago, I was called on official business to the office of the Union Drawn Steel Company and ordinarily I am in the police car and they don't say anything to me. And apparently they didn't notice it, some hunky stepped out into Harsh Road and said, 'Here, Mister, where are you going?' "

"Now," he said, "maybe you think I would not like to have given that son-of-a-bitch the pipe."

He went on further to state that they had 18 police and 16 revolvers, and he said, "What can I do with a gang of men like that?" He said he would be in a position to maintain the law and order if he had the men and the equipment.

Following him, Mr. W. H. Crawford of the Reliance

Manufacturing Company, spoke. He mentioned the shipments of freight and mail had been more or less interfered with by the pickets, as the baggage was attempted—was being attempted to be transported in Harsh Road, a public road to the headquarters.

MR. LAUTER: I object to anything after the phrase "more or less" and move it be stricken.

TRIAL EXAMINER LINDSAY: What?

MR. LAUTER: I object to anything else after the phrase "more or less" in his last statement, and move it be stricken.

(The record read by the Reporter.)

MR. PONTIUS: That is what he said.

TRIAL EXAMINER LINDSAY: Oh, he may state what he heard him say, and your objection is overruled. Let the record show an exception.

MR. LAUTER: Exception.

A. He mentioned specifically on one occasion that a utility truck was coming into his office and the baggage had been opened. He said, "fortunately he had no cause for complaint as to loss of property, because nothing was taken out, but it was opened."

MR. LAUTER: I object to any further statement not related to the respondent in this case; outside of the issues in the case.

MR. DAY: That is what he said.

TRIAL EXAMINER LINDSAY: Oh, he may tell the whole conversation as he heard it. The objection is overruled. Let the record show an exception.

MR. LAUTER: Exception.

A. He stated that Harsh Road should be kept open so that the employees and shipments could have free ingress and egress to the headquarters building of the Reliance Manufacturing Company, and asked Mr. Switter, chief of police, to do something about having that main road blocked.

Following Mr. Crawford, Mr. C. E. Boyd, who is a construction man in Massillon, was calling the attention of the city officials that he had been interfered with upon several occasions and going to and from work that he had under construction, and he stated that in his case it was largely Oberlin Road, and he was asking Chief Switter if he couldn't in some manner arrange to have that road opened to anybody that had nothing to do with either CIO or Republic Steel Corporation.

He thought that Chief Switter should see to it that the pickets were not armed. Mr. Switter promised to take that up with Mr. Morton. That is as far as I know of the meeting.

Q. Anything further that you recall, at that meeting?

A. Yes, following him City Solicitor Richard Hardman spoke, and he stated that on various trips that had been made throughout the picket lines by Chief Switter, that he had accompanied him, and he felt that what the Chief had stated was facts, but he didn't know how the city was in a position to provide additional equipment and men that Switter wanted, because they were handicapped due to lack of funds.

Q. What was the upshot of that meeting? Any definite determination arrived at?

A. In conclusion Chief Switter promised that he would try to eliminate the various infractions that had been mentioned specifically.

Q. Are you familiar with Massillon sufficiently to state the location of Harsh Road?

A. Yes, Harsh Road is perpendicular to 3rd Street southeast, and Harsh Road is the road that leads into both the Reliance Manufacturing plant and also the Union Drawn Steel Company.

Q. The latter company being a subsidiary of Republic?

A. That is right.

Q. And is that plant some distance away from the large plant of the Republic, in Massillon?

A. Yes, quite a distance, probably a mile and a half.

Q. And this Oberlin Road that you refer to is near to and along the main plant of the Republic?

A. That is right.

Q. Right? Now, did you attend any other meetings of this Citizens Group?

A. The next meeting that I attended was at the Central Presbyterian Church which was held, I believe, on June 6th.

Q. Any city officers there at that meeting?

A. Chief Switter was there.

Q. Did Chief Switter make a talk at that meeting?

A. Yes, he did.

Q. Tell us what occurred at that meeting.

A. This meeting was somewhat different from the one at the Conrad Hotel, due specifically to the fact that there were quite a large number of ladies from the Women's Club and Republic and Union Drawn Steel workmen in the audience, which were not present at the Conrad Hotel. I remember Verne Mathews of Union Drawn was making a statement at that time that most of the fellows at Union Drawn Steel wanted to go back to work, and he said that to his knowledge they never were organized to any extent such as a majority and that he had been making the effort to get the group together for the purpose of deciding how many of them, or whether they had a majority that wanted to go back to work.

He stated that they had attempted to have a meeting in the City Hall at Massillon but that Chief Switter had permitted Joe Morton to come in and interfere and make threats at this meeting, and since that time they had not been able to get anywhere towards the idea of determining how many of them would go back to work.

Q. Did any other person or persons speak at that meeting?

A. Yes, John Walsh, who I believe is a checker of some kind at Republic Steel, stated that in his honest opinion he felt if there was any possibility of determining just the question as to how many Republic fellows wanted to go to work, he thought he could prove beyond doubt that the majority did. But he said that any attempt that the workmen had made to determine whether or not they had a majority had been interfered with.

Q. In what respect?

A. Well, they had attempted, I understood from that, they were attempting—

TRIAL EXAMINER LINDSAY: No, wait a minute, not what you understood.

MR. PONTIUS: No.

TRIAL EXAMINER LINDSAY: It is just what he said.

A. Well, he said they were making calls on various fellows and inquiring whether or not they wanted to go back to work. He said they had called at certain houses and they would not be allowed in unless they went in a group. If they went in a group, he said that meant a fight.

Q. Did anybody else speak at that meeting?

A. Yes, there was a man by the name of Fred Becker, whom I know as a metallurgist at Republic Steel, he had more conversation than anybody else present, I believe. He was formerly from Hershey, Pennsylvania, and he was saying that he thought the workmen there should determine at once whether they had a majority and then attempt to compel the city to make it possible for them to go to their jobs if a majority wanted to.

Following him Chief Switter again spoke and while in a measure he subdued somewhat the profanity and the names that he implied on various citizens at the previous meeting, at the same time he was just as determined—

Q. No, just tell what he said.

TRIAL EXAMINER LINDSAY: Just a minute, now.

Q. Tell what he said, please. Answer the question, tell what he said.

TRIAL EXAMINER LINDSAY: Off the record.

(Discussion held off the record.)

A. He again stated that he had 18 policemen and 16 revolvers. He mentioned that he could do nothing with a force of that size. He said that was an impossibility for a force of those dimensions and that equipment to cope with the situation.

He referred to some mention that had come to him whereby if any attempt was made to reopen the Republic Steel, that the Republic Steel workers from Akron would come down here, and he called the attention to the workmen there, that if such a thing would happen, he says, "You just leave that to me, and I will send my men to the outskirts of the city and we will see that they don't come in here," and in closing he stated that if someone should show him one thousand men that wanted to go back to work, he says, "I will take them down and escort them."

Q. Did he say anything else that you have not related?

A. Not that I recall.

Q. Any other talks there on that occasion, that you recall?

A. Nothing of any consequence, to my knowledge.

Q. Now, following that did you attend any meeting that was attended by Chief Switter? You have said that was June 6th, I believe?

A. Yes. The next meeting that I attended was on Sunday afternoon, June 13th.

Q. And where was that meeting held?

A. At the Massillon Chamber of Commerce.

Q. As I understand you to say, June 13th?

A. June 13th.

Q. What public officials were at that meeting?

A. As I recall, Chief Switter and assistant prosecutor Robert Hoffman.

Q. And who of your committee were present on that occasion?

A. I remember Reverend Hess, J. A. Schaidnagle, Mr. Schaffer, Mr. Prashaw. There were more of the committee, but those were the only ones I remember specifically.

Q. Please state what was said and done on that occasion as fully as you can.

A. Chief Switter spoke at length about an insurance policy that the Republic Steel wanted from the vault or files of the Republic Steel offices. Someone from Republic Steel had asked Chief Switter to accompany him to the Republic Steel office for the purpose of securing this policy in order that the insurance company could pay the widow of the deceased.

A. (Continued) Switter stated that he felt that if he went to the office to secure the paper that he would have difficulty with C. I. O. That he had previously taken it up with Mr. Morton and Mr. Morton had refused him the privilege of going in unless he was accompanied by Union officials,—

(Remarks off the record.)

Q. (By Mr. Fontius) What was said, not what you understand.

A. How far shall I go back?

Q. You were saying something about what Switter was saying.

A. Chief Switter stated that he had taken the matter up with Mr. Morton and that it was not satisfactory for him to go into the Republic Steel office unless he was accompanied by Union C. I. O. officials and he mentioned that that plan was not satisfactory to Republic Steel.

Q. Was anything else said there on that occasion?

A. Yes, he asked the Committee whether they knew of any way or any possibility whereby he could get additional men and equipment. I believe—Mr. Schaidnagle asked him just what equipment he would need. He said he felt that he had 13 men who were on patrol duty and he felt that he should rate at least four men for them, at least each one of those could have charge of a squad of four. He did not mention what equipment he needed but he estimated to take care of the immediate emergency it would require approximately $8200.

Q. What else was said there on that occasion, as fully as you can state it?

A. Mr. Schaidnagle asked him whether he would appoint or could he have appointed special police if he knew where to get them. He said that was the Mayor's responsibility and he would not commit himself without the Mayor. He offered to bring the Mayor and the Service Director to meet us on the following Monday.

Q. Was there anything else that occurred on that Sunday that you recall?

A. Yes. He again brought out how poorly equipped the department was by again mentioning what equipment he had. He followed that by stating that he had recently taken some equipment from the Republic Steel office. He said he was telling us this in confidence and he hoped that we would not betray him and he did not think we would. He needed the equipment.

Q. Now, do you recall anything else that was said and done at that meeting?

A. That is all to my knowledge.

Q. Now, did you have a meeting the next morning then?

A. We met on the following morning.

Q. At this same place?

A. The same place, the Chamber of Commerce.

Q. Tell us as fully as you can what was done there.

A. Someone from the Committee asked Mayor Krier and also Safety Director Snyder whether they would appoint the special policemen that Switter was requesting and Mayor Krier stated and Mr. Snyder affirmed that they felt that Chief Switter could adequately cope with the situation and they would do anything he said and appoint any men that he would ask for.

Q. Anything further said at that time that you recall?

A. Someone from the Committee stated that they were making an effort to provide sufficient funds for the City to meet the emergency.

Q. Anything else done there on that occasion that you recall?

A. Nothing to my knowledge.

Q. Did you have a subsequent meeting at any time with this Committee at which the City officials were present?

A. The next meeting with the City officials was directly following the 4th of July, I would say, on about the 6th day in the morning.

Q. Where was that meeting held?

A. That meeting was held at the City Hall.

Q. Who were present on that occasion that you recall?

A. Mayor Krier, Chief Switter, City Solicitor Hardman.

Q. And members of your Committee?

A. There were several members of the Committee present, and some other citizens that had not been members previously.

Q. Please tell what was said and done on that occasion.

A. At that time someone from the Committee, I believe Mr. Poe from the Committee stated that he had been informed by Mr. Marlin of the Ohio National Guard that

the troops would leave Massillon some of these days and he inquired of the Mayor and Chief of Police—

TRIAL EXAMINER LINDSAY: Just a minute, Mr. Day and Mr. Pontius and Mr. Lauter, come up here a minute.

(Discussion had at the bench off the record.)

MR. PONTIUS: What was the last question and answer?

(Previous question and answer read.)

Q. Go forward. We were on July 6th, as I understand.

A. Inquired whether they had made any arrangements to appoint special police. Switter stated that he did not know how to get them any and Mr. Case, I believe, I am not certain of that, as to who, but someone from the Committee asked the officials whether they knew how to provide the money. Mr. Elson Wefler, attorney, was in the group and he stated to the officials that it was possible for them to borrow money from commercial banks and following that Mr. Hardman, the City Solicitor, stated that he would investigate into the possibility of acquiring the necessary funds.

Q. Was there anything else that occurred on that occasion that you recall?

A. Yes. Mr. Hardman, following that meeting, inquired whether some of our Committee would go along with him to the commercial banks for the purpose of discussing the possibility of borrowing money. Then Mr. Hardman asked me personally whether I would go along. I agreed to. He then asked Mr. Lester an he also agreed.

Q. And did you go to the banks then with Mr. Hardman?

A. So far as the meeting—we closed the meeting.

Q. Was that the conclusion of the meeting?

A. Following the meeting.

Q. Yes.

A. Mr. Hardman, Mr. Lester and myself went to three commercial banks, Ohio Merchants and First National and State Bank at Massillon to secure their consent for the City to make this loan. The officers of all three institutions agreed provided their Board would approve.

Q. Did you attend any other meeting that same day or after that?

A. Not to my knowledge.

Q. Were you at the Y. W. C. A. on the 7th, do you remember?

A. I was not.

Q. You were not at that meeting. I will ask you to state whether your activities in this organization, this Committee, were instigated in any manner whatsoever by the Republic Steel Corporation?

A. No, sir.

MR. PONTIUS: That is all.

(Witness excused.)

MR. DAY: Mr. Quigley.

PAUL E. QUIGLEY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name, please?

A. Paul E. Quigley.

Q. How old are you?

A. 31.

Q. Where do you live?

A. 114 Thorn Street, Massillon.

Q. How long have you lived in Massillon?

A. Since 1920.

Q. What is your position?

A. My position is Retail Secretary to the Chamber

of Commerce.

Q. Of Massillon?

A. Of Massillon.

Q. How long have you held that position?

A. Over a broken period of five years. I have been there two and a half.

Q. Were you active in submitting some Committee work in connection with the strike?

A. I was not a member of the Committee but worked closely with Mr. Case, sat in several of the meetings, talked to a number of the steel workers who came to our office.

Q. What was the date of the first meeting that you attended?

A. May 28th, the Conrad Hotel meeting.

Q. At the Conrad Hotel?

A. Yes.

Q. Will you tell briefly what occurred at that meeting?

A. Mr. Bordner called Mr. Case to brief the purpose. He stated that we had had a lot of calls for information and rumors coming in and that he set this meeting up in order to give the Chief a chance to verify what are facts and what are rumors and some of the things that have been reported were that roads were blocked with cars and logs and pickets were carrying clubs, that packages for delivery had been opened.

MR. LAUTER: I object to some of the things that had been reported and everything that follows. I move to strike.

A. This is Mr. Case's statement at the meeting.

TRIAL EXAMINER LINDSAY: I do not care what it is. Wait until I get through ruling on it. The objection is overruled. Let the record show an exception. Now I understand that this is a statement that Case is making?

THE WITNESS: Yes, that he made preliminary to Switter's at the Conrad Hotel meeting.

Q. Just tell what was said there and refrain from saying any conclusion of your own. Just state what was said and who said it. Now go ahead, please.

A. Case continued further that citizens were concerned as to these reported law violations. Well, Switter was then asked by Mr. Bordner to tell what was the actual condition as he saw it from going over the lines and being more or less in charge of the situation from the City standpoint. Well, Switter said that he was quite familiar with the picket lines.

TRIAL EXAMINER LINDSAY: Let's go back a minute here. Read that answer.

(Previous answer read.)

TRIAL EXAMINER LINDSAY: Wait a minute. Who made that statement about being in charge of the situation?

THE WITNESS: Mr. Bordner.

TRIAL EXAMINER LINDSAY: You did not add that yourself?

THE WITNESS: No, that is my memory of the meeting which was a few months ago.

Q. Go ahead.

A. Chief Switter's statement continued to the effect that many of the men on the lines were hoodlums, wops, and Communists, and that he had difficulty getting men who understood English easily and who could give in substance as to what he wanted done but that he had finally succeeded in having the Union put men who understood English easily in as captains on each shift and he was now able to give the directions which he wished to give to those picket squads. He said, "I don't think you men realize the amount of Communism in the Company. The Federal Bureau of Investigation School, which I just attended, we were told at the school, we were told some of these things that they have information there are 11,000,000 Communists in this country." He further stated that he had 13 men in his department, 16 revolvers, and was unable to

correct the law violations which he agreed were being perpetrated and the roads being blocked but was trying to handle the situation in an intelligent manner and avoid fights or riots developing. Following his comment Mr. W. L. Crawford spoke briefly and stated that a shipment of material to his plant on one of the motor freight carriers had the cartons opened, but no merchandise lost.

And they had found it necessary to construct a new entrance for their employees down to the Reliance plant, to save them from coming through the picket lines into the Reliance, and asked Chief Switter to try to open Harsh Road up more completely.

Richard Hardman, city solicitor, spoke briefly, saying he felt the police force was inadequate at the present time, and due to the city's low finances they could not equip and add men. The meeting adjourned without any action being taken.

Q. When next did you attend a meeting?

A. Sunday, June 13th, at the Chamber of Commerce was the next meeting.

Q. And who were present at that meeting?

A. Chief Switter, Robert Hoffman, J. G. Lester, D. W. Case, Reverend Hess, James Hall, I. Schaidnagle and myself, C. M. Shaffer and others.

Q. What was said at that meeting?

A. Mr. Lester told the committee that Chief Switter had asked the committee's help in building up his police force as a result of a request from Mr. Maier to accompany the insurance man into the Republic office building, and that Chief Switter had also requested Mr. Lester to secure a delay in this request for police protection, which had been done, and that the purpose of today's meeting was to discuss ways and means.

Mr. Lester then asked Chief Switter to tell what he thought the committee could do to help him. Chief Switter did not state for three-quarters of an hour what help he wanted, but talked to a great extent, complaining of his

position and in substance it was this: That his position—

TRIAL EXAMINER LINDSAY: No, not in substance. Tell just what he said.

A. All right. "I am on the spot between the company and the union. I do not see why Carl Meyers won't allow union men to accompany this adjuster, and on the other hand I don't see why Joe Morton insists on his men going in."

"Joe Morton is a very difficult fellow to work with."

"There was supposed to have been an executive committee of seven set up to direct the union's policies, but that was never done, and Joe Morton is making all of the decisions."

"I am just about fed up with the situation, and ready to go down and have it out with them."

Still quoting Switter, as closely as I can remember: "On this request to accompany the insurance man into the office, I could go down with four or five men and handle it, and if any shooting started, I would take care of it, but I am afraid there would be reprisals at night, by perhaps breaking the office windows and with my 13 men for outside duty I do not have enough police force to police the city and protect that property."

His talk along that line went somewhat further, but Mr. Schaidnagle then asked: "Chief, what is it we can do? We are wasting a lot of time."

Switter said, "If I had 52 patrolmen, for to put under each regular patrolman, I could handle the situation."

Then there was a joint discussion of the city ordinances authorizing the Mayor to appoint special patrolmen, the cost of equipping them, and the $8200 figure was arrived at.

Some of the committee members then asked the Chief whether or not he thought the Mayor would make these appointments, and whether the Chief would take it up with them, whether he wanted any of the committee along.

And I forgot we did try to call the Mayor by telephone

and couldn't reach him. So the meeting for the next morning was arranged at Switter's suggestion in the hall back of the Chamber of Commerce, he said he would bring the Mayor in, into the meeting.

Q. What took place at that next meeting, the next day?

A. A committee member asked the Mayor early in the meeting whether he thought the plan talked of Sunday was practical, and the Mayor said that if the safety director and the chief thought that 52 men should be added, he would appoint them.

Now, there was a discussion in which the committee agreed to try to raise the $8200, and the meeting adjourned with the conclusion that they would go forward on that, the city on their part and the committee on their part.

Q. Did you attend any other meeting, when Chief Switter was there and the city officials were there?

A. On June 25th when the citizens' petition was presented to the city officials at the Chief of Police's office.

Q What was said at that date?

A. I came in late and Mr. Wefler, I believe, was reading the petition; he began over, read the full petition; Mr. Maier commented on it, and the officials, either the Mayor or the city solicitor, asked what the committee thought they should do.

He said, "I think you should ask some patrolmen." Then I think it was Stanley Switter or one of the other city officials said, "Well, the National Guard is coming in now," —there was two guard officers in the meeting—"I guess they are going to take over the situation and we will see what their plans are."

Q. Did you attend any further meetings that you can remember?

A. Later that afternoon Mr. Case told me of a call from either Switter or Hardman asking for these special men, the names of these men.

On July 6th in the afternoon we again received a call

from Switter asking that we would send them men for special policemen.

At that time Mr. Case and I walked over to the Chief's office to get straight. We had to tell them that we had no men to particularly suggest to them, to send to them.

Found several of the Republic employees discussing the same suggestion, the same matter, the matter of the chief being able to get enough extra patrolmen of the right type.

During the course of the meeting Mr. Case said, "Chief Switter, how are you getting along with Major Curley?" Switter said, "O. k." "Well, I think he might be able to help you find a method of getting good men."

Chief Switter then picked up the telephone and said, "Send the police cruiser down to Harry Curley's house and ask him to come in."

Shortly after the phone rang and Switter said, "He is in Doctor Stewart's office? Well, tell him to come in when he is through."

We left the meeting shortly after that.

Q. Did you attend any meeting when Chief Switter said anything about getting arms from Republic?

A. Yes.

Q. Where and when was that meeting held?

A. June 13th, meeting on—Sunday meeting at the Chamber of Commerce, he stated—

Q. What, if anything, did the chief say on that subject at that time?

A. He said, "I will tell you men something, if you won't tell it outside. I really hadn't ought to tell you because I know these things all leak out regardless of how much you say you will not tell it, but when I was closing the Republic office building recently, I took shot guns and tear gas shells"—are the two items I recall him saying, and then he was indefinite, said that—"and then I went out into the country and picked them up and brought them into our office."

Q. Did you attend a meeting, or were you going into a meeting at any time when you met Joe Morton?

A. Yes.

Q. Now, when was that meeting?

A. June 11th, a meeting of the Citizens Group called at the Massillon Women's Club. I started up the steps and someone called, whom I recognized later as Joe Morton, in a car parked alongside. I walked over and talked with him.

Q. What did he say?

A. He said, "What the hell is going on here? Are you running a God damn striking-breaking organization?"

I said, "No, Joe, this is a group of citizens demanding that law and order be re-established."

"Well, that is what it is? Now, I am telling you, here, we have no witnesses, that if we go into that meeting, we won't be responsible what happens to you."

I says, "That is a pretty strong statement to make, Joe." We talked a little more and parted.

Q. Were you in a meeting at the YWCA?

A. Yes.

Q. What was the date of that?

A. July 7th at noon, 12 o'clock.

Q. Who were present, generally, there?

A. The Mayor, safety director, city solicitor, chief of police, Major Curley, J. G. Lester, Frank Humberger, Mindred Emery, Tom Poe, Mr. Williams. That is as closely as I recall.

Q. What took place at that meeting?

A. Mr. Case stated the men had been asked to gather at the Mayor's invitation and he understood Major Curley was going to talk before the Mayor.

Major Curley then made a statement to the meeting, that the city had decided to add special policemen, and he was assisting the chief in getting that organization together, and he said the city officials had decided they would like to draw men from the other Massillon industries unaffected by the strike, on the basis that those men be re-

turned to their jobs without any trouble following the emergency. That the men would be paid $5 a day and that they wanted them quick, he would like to get the names or have them send the men in that afternoon.

One of the men present asked the Mayor if Major Curley was speaking fully for him, and he stated that he was.

There were some questions asked and most of those present agreed they would try to locate people in their organizations, and at the end of the meeting Mr. Carl Meyers was in the meeting, was asked to say a few words, and he said this:

"We are happy to be starting operations again in Massillon, and I think our operations will be on a good basis. Recently, before the strike, we experimented some with carbon steel, and that may be a development that will help operations here.

"Now, in relation to your discussion just before my talk, since Major Curley suggests that we forget this whole darn proposition, we all have confidence in Major Curley, let's not press the city to institute that plan, and let's abide by Major Curley and the city officials' ideas on this matter." The meeting adjourned.

MR. DAY: That's all.

Cross Examination

Q. (By Mr. Lauter) Who called the meeting of May 28th?

A. The special meeting of the directors of the Chamber.

Q. When was that meeting held?

A. Noon of that day.

Q. Noon of May 28th?

A. Yes.

Q. Who was present at that special directors meeting of the Chamber?

A. What do you mean?

Q. Were you present, I mean?

A. Yes.

Q. Tell me who was present.

A. That is going to be very difficult. I am quite sure that C. W.—there were about seven directors, probably.

Q. Well, you know who the directors are, don't you?

A. I know them all, but I don't know that I can get right who was there. I think it was C. W. Chase, W. H. Crawford, P. J. Bordner. That is all that I remember of the Board.

Q. Where was the meeting being held?

A. At the Massillon Club.

Q. Where?

A. At the Massillon Club.

Q. How long did that meeting last?

A. I would say about an hour and 15 minutes.

Q. Did you take any minutes on that meeting, or any notes?

A. I think I would have minutes.

Q. Have you notes at your office on all of the meetings that you have now testified about today?

A. No, I don't think that we have.

Q. Have you minutes of the meeting of February 28 which was held in the evening?

MR. DAY: May 28th.

Q. May 28th?

A. No.

Q. Do you have minutes of the meetings held at noon?

A. I think we would have that.

Q. Which of these other meetings did you have minutes of?

A. Well, the Sunday meeting—most of these meetings were committee meetings, and we do not have minutes of those.

Q. You tell me what meetings that you do have minutes of?

A. Well, the regular meetings of the chamber directors.

Q. I am asking you about the meetings that you have testified about this afternoon.

A. All right. Conrad Hotel, no. The June 13th meeting, no. The June 25th meeting with the petition, no.

Q. Do you have any minutes?

A. No.

Q. You could have told me that right off, couldn't you?

A. Well, those are the meetings.

Q. Do you have any notes of any of these meetings?

A. I have no notes, no.

Q. Were notes taken of any of these meetings?

A. No, some of them may have been notes made up after the meeting, but notes—but there was n stenographer or no—

Q. Did you see anybody taking notes at any of these meetings?

A. No.

Q. Do you know whether any notes were made up after any of these meetings?

A. Yes, I know that notes on one meeting, that were made up.

Q. What meeting was that?

A. The June 13th meeting.

Q. Who made notes after the meeting?

A. I made them.

Q. What is that?

A. I made them.

Q. You have no notes of those meetings, but you have notes which you made up after the meeting?

A. Yes.

Q. Now, tell me what other meetings you have notes of that you made up after the meeting?

A. I have no other.

Q. You made no notes on any other meeting?

A. I made no other notes.

Q. Just June 13th, is that correct?

A. Yes.

Q. Let's go back to that May 28th meeting that was held among the directors of the Chamber of Commerce, you say, which lasted over an hour.

A. That is, including the lunch. That is the usual practice. The actual meeting probably lasted half or three-quarters of an hour.

Q. Tell me what was discussed at that meeting.

A. The reporting, do you mean, of the strike situation which started that Wednesday.

Q. Well, tell me who spoke and what they said.

A. Mr. Case, secretary, reported to his board that it was reported that Harsh Road entrances to the Enterprise, on the Republic road, were blocked. Pickets were carrying clubs.

Q. Were any statements made about opening the mill?

A. No, sir.

Q. Do you know whether or not Mr. Case had made any minutes or any notes after any of these meetings?

A. I don't think that those special directors meetings, that he would have notes for them. I am not positive.

Q. Do you refer, now, to the meetings of June 13th, 14th and July 7th?

A. No, I don't think he has.

Q. Now, you mentioned something about the fact that Chief Switter testified at the June 13th meeting that he took out some shot guns and tear gas guns while he was closing the plant, is that correct?

A. Closing the office building.

Q. Closing the office building?

A. Yes.

Q. What more did he say about that incident?

A. I am quite certain that I stated everything that he

said, that he had taken those, and there was a pause, in which he was indefinite, and stated that he went out and picked them up in the country and brought them back to his office.

MR. LAUTER: Will you read the answer.

(The answer was read by the Reporter.)

Q. Did he say when he went out to the country and picked them up?

A. No.

Q. Did he say who was with him at any time?

A. No.

Q. When he was closing the main office, or was picking them up in the country?

A. No.

Q. Did he say that he had stolen them?

A. I recall him saying that he took them.

Q. Did he say anything about taking them without the pickets seeing them?

A. No, there was no such matter discussed. That is, he—his telling incident was not sufficiently full, that any such a matter was brought into it as to anybody seeing him.

Q. Did you understand from that that he had stolen them?

A. I understood from it that he saw them there, the building was vacant and that he took those.

Q. Now, the meeting of July 7th, at which Mr. Carl Meyers attended, I want you to state everything that Mr. Meyers said at that meeting.

A. Is that not impossible to state—to make his full statement?

Q. Just make as full a statement as you recall about everything Mr. Meyers said.

A. That I recall? All right. "We are happy to be in operation to some extent in Massillon again, and I think operations will continue on a good plane. You may not know that shortly before the strike he experimented some

in carbon steel and that, as you know, alloy steel alone was made in Massillon formerly, and this development may add to operations in Massillon."

"Going back to the discussion that you gentlemen had just preceding my talk, I would like to say that since Major Curley recommends that the home guard plan not be instituted, that we all have confidence in Major Curley, that we do not press the city officials to go any further with that plan."

Q. The suggestion that you refer everything to Major Curley?

A. The suggestion of Major Curley and Chief Switter was that special department be put on, that the plants furnish names.

Q. Do you know whether the various plants of various industries in Massillon did supply men?

A. I have no direct information on that.

Q. Do you know as a matter of fact the Republic Steel furnished the men?

A. I don't know that.

Q. Did you know the Republic Steel has been billed on the bonds for the men serving as deputies?

A. No, I don't.

MR. DAY: That is all.

TRIAL EXAMINER LINDSAY: Well, it is a quarter of six. We will adjourn until 9:30 in the morning.

(Whereupon, at 5:45 o'clock p. m., September 1, 1937, the hearing in the above-entitled matter was adjourned to 9:30 o'clock a. m., September 2, 1937.)

Courtroom No. 1
Stark County Courthouse
Canton, Ohio
Thursday, September 2, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

BEFORE:

JOHN T. LINDSAY, Trial Examiner.

APPEARANCES:

MARK LAUTER, Esq.,
OSCAR GROSSMAN, Esq., and
JOSEPH A. HOSKINS, Esq., appearing for the National Labor Relations Board.
LUTHER DAY, Esq.,
THOMAS F. VEACH, Esq., and
H. C. PONTIUS, Esq. (Canton, Ohio.)

PROCEEDINGS

GLENN D. LANHAM

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Will you please state your name?

A. Glenn D. Lanham.

Q. Where do you live?

A. 186, 26th Street, S. E., Massillon.

Q. What is your business?

A. Automobile dealer.

Q. How long have you been engaged in business in Massillon?

A. Since December 15, 1933.

Q. I will ask you whether or not you became interested in the strike situation and a member of the so-called Citizens Committee?

A. I did.

Q. About how soon after the strike was called did you become interested in this situation?

A. I couldn't give you the exact time, but I think it was about the following date.

Q. What happened in connection with your interest in it at that time?

A. Well, my first interest in it come through the customers of mine coming in and wanting to know what they were going to do when their car payments came due and they had no work; they wanted to go back to work and couldn't. They didn't have any money or income, so they couldn't pay for their car. They wanted to know what I would do in that case.

Q. And then what did you do in respect to that matter?

A. I didn't do anything at the present time. I told them that if I had endorsed any of the paper I would not repossess the car, but where the finance company had the paper I would recommend that the cars be not repossessed and extensions be given. I thought the strike would soon be settled.

Q. Did you at anytime call Mr. Carl Meyers in the Republic and make an appointment with him?

A. Yes, I called Mr. Meyers several times.

Q. Yes, well, the first time, when or about when was that?

A. Well, I don't remember. The one time I do remember I called Mr. Meyers when I heard that they were going to close up the mill for good, they were not going to open it up.

Q. Now, after your talk with Mr. Meyers over the phone, did he call you back?

A. Yes, he called me back, oh, I imagine in about two hours.

Q. Did you go to see Mr. Meyers?

A. Yes, I did.

Q. Did you take anyone with you to Mr. Meyers?

A. Yes.

Q. Whom did you take with you?

A. I took Chief of Police and the solicitor Mr. Hardman.

Q. Where did you go?

A. We came to the Onesto Hotel.

Q. That is in the city of Canton?

A. That is right.

Q. Now, you and Mr. Hardman and Mr. Switter—

A. That is right.

Q. — met Mr. Meyers at the Onesto Hotel? Now, I wish you would relate the conversation that you had at the Onesto Hotel there while the four gentlemen were together.

A. I do not remember just how the—that is, I do not remember the details of the whole conversation. The thing I remember is that we walked into Mr. Carl Meyers' office. He said because I was comin' over he wanted to kill two birds with one stone and that he wanted to turn over the keys to Republic office in Massillon for his protection. He was moving out. He would like to have all of the men taken out safely, the men in the office, and was turning the keys over to him.

Q. On that occasion were the keys turned over to somebody? If so, to whom?

A. I don't remember whether he gave the keys or whether he gave a release. I think he gave a dictated letter of release to Mr. Switter to take charge of the office.

Q. Now, do you know about when that was?

A. No, I couldn't say. It was either the day or the day before they moved out of the office entirely.

Q. Now, in that conversation did you say anything to Mr. Meyers about the closing down of their plant at Massillon?

A. I did. I asked Mr. Meyers, I said, "If you are going to turn this office over for Mr. Switter's protection

and moving out in the entirety, does that mean you are never going to open up this office in Massillon again, and the plant in Massillon?"

He said, "I did not say that." He said, "I said that when enough men want to work, to run the plant in Massillon, we will open."

Q. Now, in that conversation was there anything said with respect to any ammunition or guns?

A. There were.

Q. Please tell us about that.

A. Mr. Meyers told Mr. Switter that he could have the keys to the building, take full charge, and he also said, "I understand that you need ammunition and guns for the protection of the—to protect and defend the city of Massillon."

He says, "We have in the safe locked up some ammunition and guns. If you wish those, you can have them. I will give you a release for them. If not, they will stay in the safe."

Q. What did Mr. Switter say, if anything?

A. Mr. Switter said he would like to have them, but he did not want the CIO or Joe Morton to know that he got them.

Q. Who is this Joe Morton?

A. I understand he is president of the CIO organization.

Q. At Massillon?

A. At Massillon.

Q. Now, from time to time did you attend—will you state whether or not you attended various meetings of the Citizens Committee?

A. I attended a few meetings. I was very busy at the time, but I attended a few of their meetings.

Q. I will ask you if any official of the Republic Steel Company got you interested in this or instigated what you did in this matter?

A. They did not.

Q. What caused you to become interested in this strike situation?

A. My customers.

Q. By your customers, whom do you mean?

A. I mean the people who I sell merchandise and service to.

Q. Many of those employed at the Republic Steel?

A. Quite a few.

Q. Did you attend any meetings in Massillon that were addressed by Chief Switter?

A. I did.

Q. What meetings did you attend?

A. I attended one at the Presbyterian Church.

Q. Any others?

A. I think he was at our Rotary Club meeting at Thursday and was called on for a talk and at that time made about the same statements he had at the church.

Q. Now going to the Presbyterian Church meeting, I wish you would tell us what you recall about that meeting, who presided, and who made any talks there.

A. Well, I was late at that meeting. I didn't know what it was all about. I walked in and I took a seat in the rear. D. W. Case presided. There were a few talks made by Mr. Becker, I believe, Mr. Walsh and Mr. Switter was called on for some remarks as to the situation in Massillon and why law and order was not enforced and his statement was that he was not equipped, he only had I think about 14 or 16 guns and 13 men and there was nothing he could do. He also made the statement that the City was broke and they had no money to buy equipment, but if he had man power and the equipment, he would take care of the situation, he realized that law and order was not being enforced and that it should be, and he could not do anything about it.

Q. Did he say anything further that you recall about his desire to do this?

A. Well, he said he had a desire to do it, he would

like to do it, and if he had the man power, that he would do it. He said they were nothing but a bunch of honkies, niggers and what-not up there, Communists, if he had the equipment he would be only—he would be glad to see that law and order was enforced.

Q. On this occasion at the Rotary Club, what was his talk?

A. He made practically the same talk.

Q. Now, Mr. Lanham, what do you know with respect to the raising of money or attempt to raise money by the Citizens Committee there for the purpose of guns and ammunition and paying special policemen?

A. Well, I understand, I don't know the starting of that but I understand that as soon as the meeting of the Presbyterian Church was over that some of the people sort of doubted Mr. Switter's statement as to his equipment.

MR. LAUTER: I object to that.

TRIAL EXAMINER LINDSAY: Sustain the objection. We do not care what you understand. It has nothing to do with the case. You were not there and did not hear it, forget it.

THE WITNESS: All right.

Q. Did you have any conversation with Chief Switter with respect to raising of this money?

A. One evening about 9:30, I don't know the date, Mr. Switter drove into my place.

Q. That is, to your place of business?

A. Place of business and stated that the business men were going to raise some money so that he could get some man power and equipment to enforce law and order but he had decided that he would not use it, he was in a mess, that Joe Morton was pressing him on the one side and the men at the mill were pressing him on the other and that the business men were on the other side and he had decided not to do anything about it.

Q. As a member of that Committee, did you report

that conversation to Mr. Case or some of the other members?

A. The next morning I was called to a meeting at the Chamber of Commerce. I was late getting in there, the men had partially left, and I stated to Mr. Case my conversation with Mr. Switter, the fact that he did not want the money, it was foolish to go out and raise it.

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) What business are you engaged in?

A. Automobile business.

Q. Where is your place of business located?

A. Erie and Oak Street, Southeast.

Q. What kind of cars do you sell?

A. Chevrolet automobile.

Q. Have you sold cars to any of the employees of the Republic Steel Corporation plant at Massillon?

A. We have.

Q. You said something about some of the customers coming in to see you?

A. That is right.

Q. About how many would you say came in to see you?

A. My help brought my attention to the matter first, that they were calling about the payments.

Q. What were they asking about?

A. What we would do in case they could not meet their payments. I told him to tell them that we would not repossess any cars as long as we had anything to do with it.

Q. Regardless of how long the strike would last?

A. I told him I thought the strike would be over soon. It had not lasted long in the past.

Q. As long as the strike lasted?

A. As long as it was possible for me to do it. We could give an extension of 45 days and refinance after 60 days.

Q. What happened after that?

A. The cars would be repossessed.

Q. You said something about people coming to see you about interest on payments?

A. That is right.

Q. You also had interest on the payments?

A. Some of the paper I endorsed and some I sold non-recourse.

Q. Do you take back the cars which are refinanced in the event that the finance company does not carry them?

A. On the recourse cars I do. I give them a check for the unpaid balance. On the non-recourse, I haven't anything to do with it except they come to me and ask me if the car should be repossessed.

Q. You had a direct interest in the cars that you had sold?

A. On the recourse paper, yes, sir, I did.

Q. You said something about a conversation between Mr. Meyers and Chief Switter in which Mr. Meyers told Chief Switter that he could have guns and ammunition, is that right?

A. That is right.

Q. Can you fix the date of that conversation?

A. I don't.

Q. Well, fix it with reference to the strike. The strike was about May 25th or May 26th.

A. I could not fix it with reference to the strike. The only way I could fix it was the day they moved out of the office entirely.

Q. Well, use anything that enables you to fix it.

A. That was either the morning they moved out of the office entirely or the day before.

Q. That does not help very much. Was it after the strike was called?

A. Yes.

Q. Do you know whether it was a week or two weeks?

A. I couldn't tell you.

Q. Or a month or two months?

A. I couldn't tell you.

Q. Give me as nearly as you can exactly what Mr. Meyers said to Chief Switter.

A. Mr. Meyers said to Chief Switter, "We have decided to move out of the Massillon office. We are turning over to you the keys and the place and turn it over for your protection. We also have within the safe some ammunition and guns, they are locked up, if you desire them for your use, you can have them. It is up to you to take them out. I will give you the release on them if you wish."

Q. Did he indicate how Chief Switter would be able to get them out of the safe if he needed them?

A. I would not know.

Q. Is that the extent of the conversation between Chief Switter and Mr. Meyers?

A. Chief Switter said he would like the ammunition and guns but he hated to take them out because he didn't want to have Joe Morton know about it.

Q. Did you attend the meeting of June 13th that was held at the Chamber of Commerce at which Chief Switter was present?

A. No.

Q. And other members of the Citizens Committee?

A. No, I didn't.

Q. Well, have you been active with the Citizens Committee at all?

A. I have.

Q. What are some of the meetings you have attended?

A. I attended the Presbyterian Church meeting. I

was called up at 9:30 one night at a meeting at the Women's Club.

Q. Are those the only two meetings you attended?

A. That is right.

Q. You said something before about a conversation in which Chief Switter indicated that Joe Morton was on one side pressing him and that the non-strikers were on the other side pressing him, is that correct?

A. Right.

Q. You said something about the business men?

A. That is right.

Q. About their being on the other side?

A. That is right.

Q. Which side were they on?

A. They were on the side there trying to get law and order enforced.

Q. Were they on the side of the non-strikers or Joe Morton?

A. On neither side.

Q. When you say on the other side, you mean both sides?

A. That is right, I mean they were for law and order.

Q. I am asking you if you mean on both sides?

A. I don't know about both sides.

Q. What did you mean when you said "on the other side?"

A. That is what he told me.

Q. What did you understand him to mean?

A. I don't understand what he meant.

Q. You do not understand what he meant when he said the business men were on the other side?

A. No, I don't.

Q. Do you know whether or not Chief Switter ever went out in the country to pick up any guns or ammunition?

A. I don't.

Q. Did you ever hear about it?

A. I read it in the paper after the hearing in Washington.

(Witness excused.)

MR. DAY: Mr. Anthony.

A. H. ANTHONY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?

A. A. H. Anthony.

Q. Where do you live?

A. 18 Ninth Street, Southeast, Massillon, Ohio.

Q. What is your business?

A. I am General Manager of the Massillon Steel Castings Company, Massillon, Ohio.

Q. Where is the plant of that company located?

A. On the south side of Oberlin Road between Pennsylvania Bridge on the east, 400 feet west of Sixth Street, Southwest.

Q. How far is it located from any plant of the Republic Steel Corporation?

A. I would say it would be a thousand feet from the main office of the Republic Steel plant, that would be the nearest property.

Q. Do you recall that a strike started at Republic plant at Massillon on May 25th and May 26th?

A. I do.

Q. After that time did you have occasion to see any pickets, out and around the Republic plant?

A. I did.

Q. What did you observe as to the number of pickets?

A. There was a considerable crowd about all of the entrances. The bridge was blocked, both at the west end of Oberlin Road—what I mean the railroad bridge over the Pennsylvania Railroad.

MR. LAUTER: Have you fixed the date?

Q. Well, how often would you see these pickets and the conditions there?

A. As I would go to my work in the morning and come from it in the evening.

Q. Did your going to and from your work require you to go by these places?

A. I could see them from the front entrance of our plant.

Q. And the conditions that you are describing, they existed during what period of time?

A. For a considerable period after the strike was called.

Q. Period of about how much would you say? Until about when?

A. I couldn't define the dates exactly, but it must have been two or three weeks.

Q. Now, go ahead and tell us—

A. The reason that was called to my attention, when the strike was—

Q. Don't tell us about the reason, just tell us, first what did you observe as to the number of pickets that were there?

A. There were a number of pickets stationed at the northwest corner of our plant covering the path that led down to the blast furnace. There were also pickets stationed at the east end of our plant on the road, preventing people from going over that bridge and traveling east on Oberlin Road.

MR. DAY: We have a map here, maybe it will help us some.

TRIAL EXAMINER LINDSAY: This is outside of the record.

(Discussion held off the record.)

Q. There is the map, Mr. Anthony. It says this is the north and this is south. Now take a look at the map, and there is Oberlin Road, and where is your plant?

A. Our plant is located on this property.

Q. Where it says "Massillon Steel Castings Company"?

A. Correct.

Q. Where is the Republic Steel Corporation?

A. This is their main office here (indicating). Their plant is down here (indicating). Also their blast furnace at the south.

Q. When you would drive to work, how would you go?

A. I would come out 6th Street, S. W., sometimes come out Erie Street and over the bridge, but we were not allowed access over this bridge, so we had to come down 6th Street, all our force, our employees were denied entrance, those that lived out here, and from crossing the viaduct, during the early days of the strike. We had several of them stopped. They complained to me and I said, "You will just have to"—

Q. Don't tell what you talked with them.

TRIAL EXAMINER LINDSAY: This is off the record entirely.

(Discussion held off the record.)

Q. Now, just tell the Trial Examiner what you saw about the number of pickets?

A. At the west end of our fence, at the corner, the number would vary, I would say from six to ten or a dozen men at a time. At the east end of our plant just before you come to the Oberlin Road railroad bridge, there would be an equal number. That is as far as I could see, when entering our plant.

Q. Did you observe whether or not the pickets were carrying anything?

A. They all had clubs, in the early days of the strike.

Q. What kind of clubs?

A. Some of them looked like long pick handles, hickory handles. Some limbs of trees.

MR. LAUTER: I object and move to strike out the answer "all had clubs" on the ground it is too indefinite and vague.

TRIAL EXAMINER LINDSAY: Oh, we will leave it stand. Let the record show the objection overruled and exception.

MR. LAUTER: Exception.

Q. Were you ever a member of, or were you a member of the Citizens Committee?

A. No, sir.

Q. Did you attend any meetings?

A. I did.

Q. What is the first meeting that you attended?

A. The meeting was called for the Conrad Hotel by one of the secretaries of the Chamber of Commerce, supposed to be representatives of industry heads aligned with the strike.

Q. What was the date of that?

A. I do not know exactly.

Q. Well, let's see, how long after the strike started was it? Maybe we can get at it that way.

A. Well, the strike, it would be about a week after the strike was started, somewhere around that time.

Q. Where was that meeting held?

A. At the Conrad Hotel.

Q. What, if any, city officials attended?

A. The city solicitor, Mr. Hardman, and the chief of police, Mr. Switter, and we were told the Mayor could not attend but was invited, but he had other duties.

Q. Now, were some remarks made at that meeting?

A. There were.

Q. Who made the remarks?

A. Mr. Bordner opened the meeting.

Q. He is president of the Chamber of Commerce?

A. That is right. With some introductory remarks, and he asked Mr. Case, the secretary of the Chamber of Commerce, to read the statement covering some facts that had been developed surrounding the condition of the picketing.

Q. Was the statement read by Mr. Case?

A. The statement was read by Mr. Case and directed principally to Chief of Police Switter.

Q. After that did Chief Switter make some remarks?

A. He did.

Q. Tell us, as near as you can remember, what he said?

A. He admitted the state of affairs and also admitted that—

TRIAL EXAMINER LINDSAY: Now, just a minute. That does not mean anything. What was the state of affairs?

THE WITNESS: Well, I will enumerate them.

TRIAL EXAMINER LINDSAY: I am just telling you. I don't care whether he did or didn't.

Q. Just tell whether—"he admitted" does not mean anything. Just tell what he said, giving the words as near as you can; if you can't give the words, give the substance.

A. All right, chief of Police Switter admitted that—

Q. No, what did he say?

A. Well, all right. He said that he knew that the pickets were violating the law; that they were committing offenses that were punishable, but he was helpless in the situation because he did not have adequate man-power or guns.

Q. Can you remember anything else he said?

A. Yes, very distinctly. He was very bitter in de-

scribing the character of men on the CIO picket line.

Q. What did he say about it?

A. He said a number of them he had never seen before, he didn't know where they came from. He said they were nothing but wops and niggers and communists and sons-of-bitches, and he would like nothing better than to drive them out of Massillon.

Q. Can you recall anything else he said?

A. Yes.

Q. Tell us about it.

A. He admitted that some of the roads were being blocked, and the men were prevented from going to and from work to plants that were not involved in the strike. He said he was powerless in that case. He said, however, he would take the proposition up with Mr. Morton and see what he could do about it.

Q. Anything else?

A. I think that is the substance of everything that was discussed. There were a lot of details.

Q. Did you say anything at that meeting?

A. I did not.

Q. Did you attend any other meetings, then?

A. I did not.

Q. That was the only meeting you attended?

A. Yes, sir.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Anthony, you testified that some employees were prevented from coming to work, is that right?

A. Yes, sir.

Q. At your plant?

A. Yes, sir.

Q. Is that correct?

A. That is correct.

Q. You mean they actually couldn't get to your plant?

A. No, I don't say that. They were prevented from coming through their usual way of coming to work, and had to go around several blocks in order to—

Q. That is what you mean? You mean they had to go out of their way?

A. Yes, sir.

Q. About two or three blocks?

A. No, I didn't say that.

Q. I am asking you how far they had to go out of their way.

A. All right, I will tell you. At least ten or twelve blocks.

Q. Depending upon where they were coming from, is that right?

A. That is right.

Q. Some of them were not blocked in any way at all?

A. That is right.

Q. Do you know how many were prevented from coming in the usual way, to your plant?

A. I know of four particular industries.

Q. How many employees do you have in your plant?

A. About 250.

Q. That is as many as you know about? Four, is that right?

A. That is right.

Q. They had to go ten blocks out of their way?

A. That is right.

Q. You say you saw pickets with clubs?

A. Yes, sir.

Q. Did you ever see anyone use the club?

A. No, I never did.

MR. LAUTER: That's all.

MR. DAY: That's all.

(Witness excused.)

C. M. SHAFER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. C. M. Shafer.

Q. Where do you live?

A. 832 Wellman Avenue, S. E., Massillon.

Q. What is your business?

A. Retail lumber dealer.

Q. How long have you been engaged in that business in Massillon?

A. 13 years.

Q. Now, did you become interested in this strike situation in Massillon?

A. I did.

Q. Were you at the Conrad Hotel, Mr. Shafer, the Conrad Hotel meeting?

A. No, sir.

Q. You were not there? Were you at any meeting which was attended by any of the Republic officials in the city of Massillon?

A. I was.

Q. What was the first meeting that you recall, where they were present?

A. The first meeting was at a meeting of the Rotary Club, which was attended by Chief Switter who was the principal speaker.

Q. Did you hear what he said on that occasion?

A. I did.

Q. Tell us, please, what he said, as near as you can recall.

A. Chief Switter said that while he had been billed to speak on his trip to Washington to the Police Chiefs' School, he knew that the people were more interested in

hearing what he had to say about the strike, so he would forget all of his remarks about that subject. After going into considerable detail as to the situation near—

Q. What was that?

A. Near the plant, in which he described—

TRIAL EXAMINER LINDSAY: Just a minute, please. I understand now that you are talking about a speech that the Chief gave down in Washington?

MR. DAY: No, Rotary Club at Massillon.

MR. PONTIUS: Rotary Club at Massillon.

TRIAL EXAMINER LINDSAY: Oh, at Massillon?

MR. PONTIUS: At Massillon, yes.

Q. (By Mr. Pontius) This was at the Rotary Club at Massillon?

A. At the Rotary Club at Massillon.

Q. Do you know when or about when that was?

A. I couldn't give you the date.

Q. Well, now, was it following the strike?

A. Following the start of the strike.

Q. Now, do you remember an occasion in the Chamber of Commerce office on the 14th of June, when the chief was present and the mayor?

A. I do.

Q. Well, was this Rotary Meeting prior to that or after that?

A. I believe it was prior to that.

Q. And after the strike had started?

A. After the strike had started.

Q. Now, please go forward and tell—tell what was said, not about going into details; tell what was said as near as you can remember?

A. The Chief said that the pickets along the picket lines were violating the law, that he knew they were all carrying clubs; he said that he would like to go down there and clean them out, that they were a bunch of niggers and

wops and communists, but that he only had 18 men including himself in the entire police force, and that only 13 of those were active on the outside, and that they were not equipped with enough guns or ammunition to supply the 13 men he had; and that he was unable to do anything about preserving law and order with the present force that he had.

Q. Anything else that you recall said by him?

A. Nothing.

Q. Now, did you attend any meeting following that, attended by Chief Switter and Republic officials?

A. Well, I believe one.

Q. Where was that?

A. That was at the Chamber of Commerce office.

Q. You remember that date?

A. It was just following the meeting at the Presbyterian Church. I think the next morning, Monday morning.

Q. Who were present at the Chamber of Commerce on that occasion?

A. There were probably half a dozen of the committee of citizens. The Mayor, Mr. Krier, the service director, Mr. Snyder, the city solicitor, Mr. Hardman, and Chief Switter.

Q. Now, did you hear what took place on that occasion?

A. I did.

Q. Relate the substance of what was done and said on that occasion?

A. Chief Switter was asked how badly he was undermanned and what he would need to put his force in good condition. And he says that he couldn't give them an answer right then, he would have to figure it up. However, he said at that meeting that he would not be able to do anything unless he had more men, and that he planned, if he could get the men, he could make squads up with one of the

regular policemen in each squad, and he would need considerable—or enough equipment to equip the extra men. He also promised or said that if he could get the money to buy the equipment he would appoint the officials, the police officers, and he thought that if he had the extra men he could preserve law and order.

Q. What, if anything, did the Mayor say on that occasion?

A. The Mayor said that if the Chief would select the men, that he would appoint them.

Q. And as a member of the committee, did you know about the attempt to raise money, or the raising of money for this purpose?

A. I knew an attempt was to be made.

Q. Now, did you later learn anything about that?

A. I did.

Q. What did you learn about that?

A. I learned that a decision had been made by Chief Switter not to accept the money, and that no effort was to be made to raise it.

Q. You have stated that you were present at the Presbyterian Church meeting?

A. I was not present.

Q. Oh, you were not present? Did you attend any other meetings where the Mayor or Chief of Police were present?

A. No other meetings.

Q. I will ask you to state whether or not the Republic Steel Company or any of its officials had anything to do with getting you interested in this matter of the strike situation at all?

A. They did not.

MR. PONTIUS: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Shaffer, who called you to the first meeting that you attended at the Rotary Club?

A. To the Rotary Club?

Q. Yes.

A. I am a member of the Rotary Club.

Q. Was that a regular meeting of the Rotary Club?

A. Regular meeting.

Q. Who called you to the meeting at the Chamber of Commerce?

A. Oh, a member of the Chamber of Commerce staff. I would not know who it was.

Q. How were you given notice to go?

A. By telephone.

MR. LAUTER: That is all.

(Witness excused.)

M. H. SCHMID

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. M. H. Schmid.

Q. Where do you live?

A. 124, 17th Street, N. W., Canton, Ohio.

Q. What is your business?

A. Sales manager, Alloy Steel Division, Republic Steel Corporation.

Q. And that plant is located where?

A. Massillon, the main office.

Q. How long have you lived in Canton?

A. Since 1909.

Q. Were you in Massillon or in Canton when the strike was called?

A. I was not.

Q. On May 25th? When did you return to Canton?

A. I returned to Canton on Friday, late Friday the 29th, I think it was.

Q. Do you know how many men were in the plant or office at Massillon after the strike was called or at the time the strike was called?

A. Do I know how many were in there?

Q. Yes. I mean who stayed in there after the strike?

A. Only from information received through others, no direct knowledge.

Q. Well, you know that the mill shut down?

A. Yes.

Q. Certain maintenance men stayed in there?

A. Yes, that is true.

Q. Where had your offices been prior to the time of the strike?

A. Main office building.

Q. At Massillon?

A. At Massillon.

Q. Did you keep that office after the strike was called or did you attempt to get a new office?

A. We attempted to get a new office.

Q. Why was that?

A. Because of inability to get into the then existing office.

Q. Due to what?

A. Due to opposition on the part of pickets.

TRIAL EXAMINER: Mr. Day, you gave him a double question. He only answered half of it. The question was, "Did you vacate your old office or did you get a new one?" That is in substance what it is.

Q. Well, did you vacate your old office?

A. Yes, we—the ones on the outside made no attempt to get into the old office although there were some on the inside.

Q. Why was that?

A. Because of opposition on the part of strikers.

MR. LAUTER: I move that answer be stricken, indefinite and vague.

TRIAL EXAMINER LINDSAY: Granted.

Q. (By Mr. Day) When you say "opposition on the part of strikers," what was the actual situation there?

TRIAL EXAMINER LINDSAY: I struck that from the record. You may have an exception, if you want to. If you have some fact that this man knows about, why, ask him about them.

Q. Did you go over there and see for yourself what the situation was?

A. I did not.

Q. You did not see any of the pickets or anything of that kind yourself?

A. Not until after we established a new office.

Q. Were you advised by anybody in your department as to what the situation was in Massillon?

A. I was.

Q. As to your ability to use the old office?

A. I was.

Q. And was that advice given you under the routine conduct of your office?

A. Yes.

Q. Will you tell us what it was?

A. I was advised by telephone by Mr. Hess that it was impossible to get into the office and by Mr. Roberts that he was unable to get into the office.

Q. After that advice was received, what if anything, did you do with relation to getting a new office?

A. I first contacted the Massillon Chamber of Commerce requesting that they advise me of available space in Massillon downtown office buildings.

Q. And did you get some advice along that line?

A. I did.

Q. And then what was the next thing that happened?

A. I called Chief of Police Switter and asked him if

he would give us proper police protection provided a downtown office would be established by Republic Steel sales office.

Q. Was that conversation over the telephone?

A. I beg your pardon?

Q. Was that conversation over the telephone?

A. Yes.

Q. What did the Chief say to that?

A. He said that he thought we would have no trouble. I advised that that did not directly answer my question. He then said that Union Drawn had established quarters downtown and they had not been molested and I stated that that still did not answer my question. He replied to the effect that he would have to discuss with Mr. Morton before he could advise me definitely. I won't say he would have to of whether he would. There is one of those words I am not absolutely sure of.

Q. Was that the end of that telephone conversation?

A. That concluded the telephone conversation.

Q. Afterwards, did you have any other talk with Chief Switter on the subject?

A. No, I did not.

Q. Well, did you open up your office then?

A. I did not.

Q. Why not?

A. Well, I felt with that lack of assurance that it would be better to come over to Canton and I investigated, started immediate investigations as to available space in Canton.

Q. And then did you come over to Canton?

A. Yes.

Q. Move your office over here?

A. Yes.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) How long have you been a sales manager for the Republic Steel Corporation?

A. I have been manager of sales of the Alloy Steel Division since December last year, latter part of December.

Q. What did you do before that?

A. Assistant Manager.

Q. How long were you Assistant Sales Manager?

A. Since the formation of the now existing Republic Steel Corporation in 1930.

Q. Describe what your duties are as sales manager and what they were as assistant sales manager.

A. I do not get your question.

Q. I say, describe what your duties are.

A. As sales manager, you are responsible for directions, as assistant you are responsible to the sales manager.

Q. Well, can you give a fuller description of what your duties are?

A. In just what respect?

Q. Just tell me what you do all day.

MR. DAY: I object on the ground it is irrelevant what he does all day.

TRIAL EXAMINER LINDSAY: Objection overruled. Note an exception.

MR. DAY: Exception.

A. It is difficult for me to answer that question when you say what I do all day long.

Q. Suppose you describe what your business activities are, what do you do?

A. As near as I can figure, as near as I can give you, they are directing the sales policy of the Alloy Steel Division of the Republic Steel Corporation.

Q. Do you handle any of the sales?

MR. DAY: I want to have an objection and an

exception to all of this testimony on the ground it is not proper cross-examination under any rule of evidence.

MR. LAUTER: If you please, Mr. Examiner, the witness has testified he is Sales Manager for Republic Steel Corporation. I am merely questioning him about his activities.

MR. DAY: All he testified to was about getting a new office.

TRIAL EXAMINER LINDSAY: Just a minute, Mr. Day. On cross-examination of the witnesses presented by the Board, I gave you every leeway and I am going to give the Board attorneys the same opportunity.

MR. DAY: I am going to note and save my objections as I go along.

TRIAL EXAMINER LINDSAY: Objection overruled. Exception.

MR. DAY: I want an objection and an exception to any and all questions on the same ground along this line.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: All right.

THE WITNESS. What was your last question?

MR. LAUTER: Will you read the question?

(Previous question read by the Reporter.)

A. Do you mean do I go out and personally solicit sales?

Q. Are you present when any of the sales are negotiated?

A. Am I present?

Q. Have you been present when any sales have been negotiated of products of the Republic Steel Corporation?

A. I have been present at some of those times.

Q. What products do they sell?

A. The products—

Q. Don't you understand my question?

A. Some of the products?

Q. Yes.

A. Alloy steels.

Q. Will you tell me where the alloy steels are sold?

A. Alloy steels are sold in practically every state in the United States. They are sold in many European countries. In fact, throughout the world.

Q. Are those alloy steels shipped out of the plant here at Massillon?

A. Alloy steel is purchased and shipped from Massillon.

Q. Is that also true of Canton?

A. Yes.

Q. What are some of the other products apart from alloy steel?

A. What other products in addition to alloy?

Q. Yes.

A. Heat resistant steels, stainless steels, so-called double strength steels.

Q. Do you know what instrumentalities are used in conveying these products to customers who reside all over the United States and foreign countries?

A. Do I know what?

Q. What instrumentalities? Do you use trains, trucks?

A. Boats.

Q. Are you Sales Manager only for the Canton-Massillon area?

A. I am Sales Manager for the products within that classification, within the classification of alloy, electric, special steel, stainless steel, heat resisting steel. The plant in which they are manufactured has nothing to do with it. If they be shipped from Chicago, the same applies?

Q. Will you tell me in what other plants alloy steel and stainless steel is produced apart from Massillon and Canton?

A. By Republic Steel?

Q. Yes.

A. Alloy steel is produced in practically any plant that can produce.

Q. Do you know whether they are produced in the majority of plants?

A. Yes, I know. They are produced in Buffalo, they are produced in Cleveland, produced in Chicago. If your question refers only to the preliminary, to the production of the semi-finished product, then I have to answer it one way, and if it refers to the finished product, I have to answer it another.

Q. Well, answer both questions, first with respect to the semi and then with respect to the finished.

A. I have already given you the plants where we produce alloy steel melt.

Q. Well, you just indicated that your answer might be different if it was semi-finished and another answer might be different for finished?

A. I have given you the plants where we melt. Any plant in the Republic Steel Corporation could produce alloy steel when it is in such form as could be handled by that plant.

Q. What you have said is true of the plants at Youngstown, Cleveland, Warren, Niles, as well as Massillon and Canton, is that correct?

A. What I have said is that any of the plants I enumerated do and can produce alloy steel.

Q. Do they include the last four that I have mentioned?

A. What were the last four you mentioned?

Q. Youngstown, Warren, Niles and Cleveland.

A. We have not produced alloy steel in Niles to my knowledge.

Q. True of the other three plants?

A. Alloy steel has been produced in those plants?

Q. You testified that you wanted to establish headquarters downtown.

MR. DAY: Before coming to that, I move to strike out all the testimony of this witness thus far on cross-examination on the ground it is not within the scope of the direct examination, it is not admissible in evidence by any rule of evidence known or established by any court anywhere.

MR. LAUTER: Will you repeat the question?

(Question read.)

Q. Is that correct?

A. I did.

Q. Did you also testify that the Union Drawn had established quarters and were not molested?

A. I didn't testify to that point. I stated that Mr. — that Chief of Police Switter told me over the phone that they had.

Q. Well, do you know of your own knowledge whether they had offices?

A. I do.

Q. Do you know whether or not they had been molested?

A. To my knowledge, they haven't.

Q. That is all I am asking you, as to your knowledge whether they have been molested?

A. They have not.

Q. The Union Drawn is owned by the Republic Steel Corporation, is that correct?

A. Yes.

Q. They had offices downtown?

A. Yes.

MR. LAUTER: That is all.

MR. DAY: That is all.

Q. (By Mr. Lauter) That is downtown in Massillon?

A. That is correct.

(Witness excused.)

JAMES A. LEWIS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name.
A. James A. Lewis.
Q. Where do you live?
A. 928 Penn Street, Northeast.
Q. Massillon, Ohio?
A. Yes, sir.
Q. How old are you?
A. 48.
Q. What is your business?
A. I operate as Service Manager of Alloy Steel Division of Republic Steel Corporation.
Q. How long have you worked for Republic Steel Corporation?
A. I have worked for Republic Steel Corporation since Labor Day, 1916, that is formerly I was with the Central Steel and then the United Alloy Steel, and then the Republic Steel.
Q. Do you recall that the C. I. O. called a strike in Massillon on May 25th? Or May 26th?
A. I was in Detroit, Michigan, when I was informed through my office that there was considerable talk about a strike taking effect that night. I made arrangements to get back as quick as possible by flying from Detroit to Akron.
Q. Regardless of how you got there?
A. Yes, sir.
Q. Did you come back to Massillon?
A. I came back to Massillon, yes, sir.
Q. When was that?
A. It was about 8 o'clock on Tuesday night, the 25th.
Q. That is the night the strike was called?

A. That is it.

Q. And after you got back to Massillon, did you go down to the plant?

A. Not immediately. I waited around Massillon to see if I could get any information as to whether they were going to vacate our office and lock us out of there.

Q. Regardless of that, did you start down to the plant some time that night?

A. Between 10:45 and 11 o'clock.

Q. And your plant that we are talking about is the big plant in Massillon?

A. Yes, sir.

Q. And the plant where you have your office is located where?

A. The main office building, Oberlin Road.

Q. About what time of night did you get down to the plant?

A. You mean to the office, not the plant?

Q. To the office, yes?

A. I would say between 10:45 and 11 o'clock.

Q. Were you driving an automobile?

A. Yes, sir.

Q. Were you alone or was somebody with you?

A. I was alone.

Q. Just tell the Trial Examiner in your own way what happened and what you observed when you got down there.

A. Coming down, I went over the viaduct, there was considerable men standing around on the Oberlin Road. I was successful in going on through until I passed the main entrance of the general office; going around the west corner of the office; I was stopped by I would say anywhere from 35 to 50 men.

Q. What did you observe about these men?

A. Well, they were practically all foreigners. I couldn't say definitely because it was pretty dark and all

I had was the headlights of my automobile to go by that hour of the night.

Q. After you were stopped by the men, what if anything occurred next?

A. I informed them that I would like to get into the office. They stated that there was a strike on. I put my machine in low gear and attempted to move ahead a little and one of the boys opened the door of the car, reached in and grabbed me by the collar and told me I was not going in. Just then something hit my car, which I thought was a rock, so I informed the boys there, I said, "All right." I am satisfied. I will back out and drive away." Which they permitted me to do without any violence. I backed up and drove over the Pennsylvania Bridge on the west side of the office and came around that way into town.

Q. About how long did that episode take in time?

A. The length of time I was there?

Q. Yes.

A. I would say not over five minutes.

Q. While you were there were you able to observe whether these men were carrying anything?

A. No, I didn't.

Q. You didn't see anything?

A. No, I didn't pay any attention to that at all.

Q. (By Mr. Day) Mr. Lewis, this office that you had, that was in what building?

A. General office building of the Republic Steel, Massillon.

Q. Located on what street or road?

A. Located on the northwest corner.

Q. Did you have some of the records and things of that company in it?

A. All my records were in the office.

Q. Well, after the occurrence of the night of the strike that you have already related on the witness stand, what,

if anything, did you do or have to do with trying to get a new office?

A. I didn't do anything. That was left entirely up with someone else. I did not have the privilege of attempting to set up a new office.

Q. Where did you have your office for the time being?

A. You mean prior to the strike?

Q. No, after the night you tried to get in?

A. Well, after the strike—can I go on before that by saying that after leaving the office I went to Chief Switter's office?

Q. Yes. Did you have a talk with Chief Switter?

A. I discussed the possibilities of getting into the office. I felt that—

Q. Just wait. Just tell us when the conversation took place with Chief Switter.

A. About, I would say about 11:15 on the Tuesday night of the 25th, I went down to the City Hall to Chief Switter.

Q. You have named the time, now where did that take place?

A. In Chief Switter's office.

Q. Was anybody there besides Chief Switter and you?

A. At that time I don't believe. I think the Chief and I were the only ones.

Q. Tell what you said and what the Chief said.

A. I told the Chief that I had been down attempting to get into the office and asked him if there would be any possibility of my getting in, due to all of my records being in the office, that I felt that I could serve the company better by being on the inside than I could by being on the outside.

The Chief told me to lay off for a couple of days, he felt this thing would blow over in the next couple of days, and I left his office for home. That was about 11:30.

Q. After that did you see Mr. Schmid?

A. Mr. Schmid?

Q. Yes, Martin Schmid.

A. Mr. Schmid came to my—

Q. I am not asking you what was said, but did you see Mr. Schmid?

A. Not until the following Saturday.

Q. And when you saw him, was there some discussion between the two of you about a new office?

A. He told me that—

Q. Don't give the conversation. Was there something discussed about a new office?

A. Yes, there was.

Q. Were you with Mr. Schmid when he called on the telephone for Chief Switter?

A. He called from my home.

Q. After that did you see Chief Switter again?

A. That evening. Chief Switter was to investigate and advise me if satisfactory to establish an office in Massillon.

Q. Where did you see Chief Switter this next time?

A. At his office.

Q. What night was that? Saturday night?

A. That was Saturday night.

Q. Was anybody there besides you and the Chief?

A. Mr. Hardman.

Q. What talk did you have with the Chief there?

A. I went to the Chief. Well, in the meantime Mr. Schmid called me and told me that if the Chief had not called to let me know what he could do, that I was to tell him to forget the proposition, that we had made other arrangements.

So I went to the Chief. I finally located him about 10:30. He and Mr. Hardman had just come in. And I asked the Chief what the verdict was and he says, "Well," he says, "Dick and I came from Mr. Morton's and Mr. Morton says 'Absolutely not' because that would be breaking

down what he is trying to set up." I then informed the Chief to forget the entire proposition, that we had changed our plans.

Q. Is that all the talk that you had with the Chief, that you can remember?

A. At that time, yes.

Q. Did you talk to the Chief later about anybody watching your home or anything of that kind?

A. No, I did not.

Q. You never talked to the Chief about that?

A. No, nothing more than the right—well, now, I said that was the only conversation. The only night I was there on this, the Chief picked up a small slip of paper—I had been trying to carry on a little business at home by putting additional telephones in, just to contact the customers and so forth, and on Saturday morning one of the neighbors—through one of the neighbors I was informed that there had been somebody prowling around my house, of course during the night, that we was trying to carry on business there.

Q. You didn't see anybody yourself?

A. I didn't, no, sir.

Q. Go ahead.

A. I got this information from the neighbors that thought I had a couple of guards there, which I didn't. I didn't ask for any.

So on this Saturday night, that Monday was a holiday, would be Decoration Day, getting this information, I contacted our paymaster, Homer Uth, who had set up an office in the Ohio Merchants Bank Building to handle paying off of the men, and asked him if he would arrange with the Ohio Merchants Bank for me to place what records I did have at home, what I had accumulated through the United States Mail from the office, place them in a vault there for safekeeping over the holidays. That was done. They kept

the bank open for about ten minutes to enable me to get the records down there.

Q. Did you have any talk with Chief Switter at all upon the subject of anybody watching your house?

A. Not until that night when he picked up this little slip of paper from his desk, he says, "Jim, is that your house number?" I says, "Yes, it is, Chief." "Well," he said, "the boys are complaining about too many people going in and out of your home during the daytime." And Mr. Hardman was there. I says, "I have been trying to carry on business the best I could, so that when this thing was settled we could go out with a bank instead of waiting for a couple of weeks to get the records straightened up before we could start in."

Q. You said the Chief said, "The boys have been complaining." Did he say who the "boys" were?

A. He didn't tell me, but he did tell me that he and Mr. Morton were working very closely on this situation, he was going to Mr. Morton's and Mr. Morton was coming to see him. He didn't mention whether Mr. Morton's office or residence, that I recall.

MR. DAY: I think that is all.

MR. LAUTER: That is all.

(Witness excused.)

O. L. SIEBOLD

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name.

A. O. L. Siebold.

Q. Where do you live?

A. 431 Lincolnway East, Massillon, Ohio.

Q. How long have you lived in Massillon?

A. All my life.

Q. What is your business?

A. I am employed at the Massillon office of the Republic Steel Company.

Q. How long have you been working for Republic?

A. Since July, 1922, I think.

Q. At that time what was it? Central Steel or one of the old companies?

A. Central Steel.

Q. In what capacity do you work there?

A. At the present time in the payroll department.

Q. Were you in Massillon when the C. I. O. called a strike May 25th last?

A. I was.

Q. And when, after the strike was called, did you go down to the plant?

A. Well, I didn't know anything about the strike until the following morning, and I went to work as usual, going down to the plant on one of the city buses.

Q. Now, just tell the Trial Examiner what happened when you went down there on the bus? About what time of the morning was it?

A. The bus leaves the Square at about 8 or 7:45—7:35.

A. The bus leaves the car at about 7:45, 7:35, about a quarter of 8, we usually get down to the office and at the west end of the viaduct we were held up. The bus was stopped and I noticed there was a group of men around the entrance to the plant, also a group blocking the property.

Q. About how many men did you see there?

A. Oh, there might have been as many as 45 or 50 men at that gate.

Q. This was daylight?

A. What is that?

Q. This was daylight, of course?

A. This was about 8 o'clock in the morning.

Q. Was this a bus that ran only to Republic or a Republic bus?

A. It was a regular City bus that makes that run to the plant and office that time of day.

Q. What if anything did you observe about these men, were they carrying anything?

A. Most of them appeared to have clubs. We were stopped by three or four men, one big colored man looked the bus over, he was carrying a club that oh, might have been the size of a baseball bat. After looking the boys over and saying something to the driver, which I did not understand, he told us to go on.

Q. Then what happened?

A. Well, we went down the road to the office entrance and stopped there.

Q. Who did you see there at the office entrance?

A. Well, the steps leading in the office were taken up pretty much by a group of some 18 or 20 men.

Q. State whether or not they were carrying anything.

A. Well, the most of them appeared to be carrying clubs. I could not say if every one of them had a club or not.

Q. And what happened there, if anything?

A. As I attempted to get off the bus, two of these men with clubs rushed up to me swinging them and shouting and they told me to go back home, and there was a rather well-dressed man without a club walked up and I asked him if they were picketing the office and he said "yes and I would not try to go through that crowd if I were you."

Q. Then what did you do?

A. I got back on the bus and went back home and I called up the office and told them that I had tried to get in and they informed me that I should not try to come back and get in until they notified me by telephone.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Who told you not to try to come back and get into the plant until you were notified?

MR. PONTIUS: I did not hear that question.

TRIAL EXAMINER LINDSAY: Read the question.

(Question read.)

A. As near as I can recall it was the paymaster.

Q. Did you call him or did he call you?

A. I called him when I got back home.

Q. Your recollection is that it was the paymaster told you that?

A. That is my recollection.

Q. You say you saw men with clubs around the plant?

A. I did.

Q. And two of them came rushing at you swinging their clubs?

A. Yes, sir.

Q. But you were not hurt at any time?

A. No, I didn't risk that.

Q. Well, you were not hurt, were you?

A. No.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. DAY: Call Mr. Cravens.

C. W. CRAVENS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name, please?

A. C. W. Cravens.

Q. Where do you live?

A. 223 Fifth Street, Northeast, Massillon, Ohio.

Q. Now, keep your voice up so we can all hear you.

A. Can you hear that?

Q. Yes. I can hear it. All right. How long have you lived in Massillon?

A. Since July 17th, 1933.

Q. And you worked for Republic?

A. The same length of time.

Q. In what department do you work?

A. Alloy Steels.

Q. What is your position in the Alloy Steels?

A. That is hard,—I have no title but I take care of stainless and alloy steels.

Q. And where is the office in which you are located?

A. It is located on the corner of Oberlin Road and Cleveland Avenue, the northeast corner.

Q. Do you remember the C. I. O. calling a strike?

A. Yes, sir.

Q. That was May 25th and 26th. Where were you that night?

A. I was in the office building.

Q. Now, I think we have a photograph here that shows that office building.

(Showing witness photograph.) This is the only picture we have here. Is the building here on Respondent's Exhibit 3 the building where the office is?

A. Correct.

Q. You say you were in that building that night of the strike?

A. That is right, approximately 8:30 to 8:45.

Q. Did you look out of the building?

A. Certainly, I looked out of the building.

Q. Just tell the Trial Examiner what you saw when you looked out of the building.

A. Well, everything was apparently quiet from the time I was there until 10 minutes to 10 o'clock. At that time a Ford roadster '28 model drove up to the southeast corner of Republic Steel property directly adjoining to the driveway leading into No. 2 gate. One man jumped out of the car rather nervously and lighted a flare.

Q. When you say he lighted a flare, can you describe that a little bit more?

A. Well, the flare was about that long (indicating) and it had a spike on it which could be easily stuck in the ground, about three-quarters of an inch in diameter, understand I did not measure it. It was a red flare similar to those used by a railroad company in denoting the stop signal or distress signal.

Q. How far was the flare from where you were looking out?

A. Approximately 25 yards.

Q. Go on from there, please.

A. Well, immediately after the flare was lighted, approximately 40 men came half running and half walking down Cleveland Avenue and all pulled up to the No. 2 entrance, the drive leading into the No. 2 gate. There was apparently some confusion there at the present time, a bit of discussion took place. Finally three or four cars were placed in the driveway to prevent the shift coming on and the shift going off, as it was time for the shift to regularly change its turn.

Q. When did the next shift go on or go off?

A. Well, a shift goes on and off at 11 o'clock, but the men generally get there anywhere from 40 minutes to 20 minutes before time in order to relieve the men coming off.

Q. Can you just tell us more in detail as to how these cars were placed in this gate?

A. Well, there were three cars placed, there were four cars, I beg your pardon, strike that out, four cars placed east and west and they were placed end to end. That is, if

the driveway was running north and south the cars were placed in a horizontal position thusly (indicating), which prevented anyone coming in or leaving the plant. Now immediately one car was withdrawn. The one which was nearest the fence, which is the southeast corner, that was to allow the shift coming out to move through the picket line. However, no one was allowed to come in.

Q. You stood there watching them all this time?

A. Correct.

Q. Now, what was the next thing you saw?

A. Well, the next thing that immediately happened afterwards were men coming in and going out. The men coming out were not molested any other than being jeered at and they were allowed to proceed on home.

Q. Now, were those the men that were working in the mill?

A. Correct. The men coming to work were turned around and started back in the direction from which they came.

Q. Now the men coming to work came by what means, were they in cars or on foot or both ways?

A. Both ways, they were in cars and on foot.

Q. Go ahead and tell what you saw.

A. During that time, of course, we had no pickets at the office from approximately 10 minutes of 10 until 25 minutes after 10, we had no pickets at the office. And then their attention was directed to the office and the west entrance to the office was immediately blocked by one automobile and approximately eight pickets. Then the east entrance of our building, into our building, was blocked with two cars and approximately double the amount of pickets, and a detail was assigned directly to the rear gate of the fence leading in, which is on Republic Steel property.

After a few minutes a piece of braided cable was obtained and this gate was wired completely shut.

Then approximately at 10 minutes to 11 or 11 o'clock,

thereabouts, a gray town sedan, a Nash car, drove up to the main office and stopped. This was stopped by the pickets.

Q. Did you se who was in it?

A. Yes.

Q. Who was in it?

A. That was Mr. James A. Lewis.

Q. Is he the man who just testified?

A. That is right.

Q. Do you know him for some time?

A. I have known him ever since I worked for the Republic Steel Corporation.

Q. All right, go ahead.

A. He was stopped immediately and told to turn around and go back.

Q. Did you hear what was said?

A. We could distinguish the gist of the conversation due to the fact that even though the doors were closed we were standing within one foot of the door and Lewis' car was not any further than from here to that table from the place.

Q So that we can get that in the record, how many feet is that?

A. I would say 15 feet from the door.

Q. If you are going to tell what was said, just tell what you heard. Go ahead, please.

A. All I heard was the fact that the strikers said, "You cannot go into the office." That was said at the time that one reached in and grabbed Mr. Lewis. At the same time a picket carrying a two by four approximately five feet long whaled at the top of the car. At that time Mr. Lewis put his car in low and started up over the hill.

Q. Did he drive away?

A. Yes, sir, he drove away. Then everything was more or less quiet. That is as far as action was concerned during the night, nothing happened at all.

Q. Now, were you able to see how many pickets were

out there at about midnight or 11 o'clock that night?

A. Certainly.

Q. About how many were there?

A. I would say approximately between 150 and 200 men.

Q. Were you able to see whether or not they were carrying anything?

A. Yes, sir, they were carrying clubs.

Q. Can you give us some description of the kind of clubs?

A. Some of them were carrying the elm club that had the bark tore off of it. They are an elm club, it looked like it was cut off of a tree. We call them elm clubs where I come from. As I testified, one of them was carrying a two by four, some of them were carrying iron pipe, and some of them were carrying ball bats.

Q. You say it was quiet during the night. Now, what if anything, did you observe the next morning?

A. Well, the next morning, naturally there would be a lot of the men who were office employees who were attempting to come down to the office to go to work.

Q. Then what did you see happen there?

A. These men were turned around immediately into a bus, one of the regular busses which makes its regular stop and goes down Sixth Street from Cleveland Avenue and goes east, came down and made its regular stop. This bus also goes into the mill, discharges and takes on passengers there at the change in shifts. The bus was not allowed, it also discharges and takes on passengers at Enterprise Aluminum and this bus was not allowed to enter the No. 2 gate to discharge or take on any passengers there from the Republic Steel or Enterprise Aluminum.

The Enterprise employees were allowed to leave the bus and walk down to their respective places of work. People who worked for Republic Steel Corporation remained on the bus and were transported away from the building.

Q. During the night did you observe what the pickets were doing?

A. What they were doing?

Q. Yes.

A. Certainly. I was up all night.

Q. What did you see them do?

A. Well, as far as turning the men away and stopping cars that were coming through, which were not necessarily men going to work, there was apparently little action taking place.

Q. What else happened that night?

A. Well, that morning that is practically all that happened as far as any action taking place. They didn't—Aside from the fact that the C. I. O. was picking up and transporting strikers away from the area practically nothing happened.

Q. How long were you in that building?

A. 15 days and 16 nights.

Q. How many were in there with you?

A. 85.

Q. Were they all men?

A. No, no, they were not all men. We had seven telephone operators.

Q. They were girls?

A. To carry on the work at the switchboard and we had one, two, three,—three cooks to feed us.

Q. And they were women, the cooks and the telephone girls?

A. That is right. 10 persons were women out of the 85.

Q. Well, after the first night, state whether or not you observed anything with relation to the pickets gathering up anything.

A. Certainly. At all times through the day you could frequently see pickets walking across Cleveland Avenue down along the railroad tracks picking up stones and these

nuts and bolts that happened to be laying around, that had been thrown off of the cars, and they immediately established a pile of stones within handy reach.

Q. Did you go out of the office building from time to time or did you stay in the building?

A. Well, we didn't even attempt to try any going out, and we didn't attempt to go out, to leave the building at all until Monday, June the 7th. That was about 5:30, immediately after we had dinner, why we had been cooped up there ever since the night of May 25th and we figured out it was high time we were getting a litle exercise and a little fresh air and so we went out into the court, which is directly in the rear of the office building, and inasmuch as the office building is a building that is we took an indoor ball and there were eight of us, there were approximately eight of us that stood out there and pitched indoor ball.

We had been out there about 15 minutes and there was a gang of men started directly across the vacant lot by the fence between the Republic Steel Corporation and the brown house which sits on Republic Steel line, directly in the rear of the building.

We paid no attention to them because we had now become accustomed to seeing the pickets and figuring that things more or less around the office had been fairly quiet for some time, and there would be no commotion. This picket line was led by Mr. Kuntz.

Q. Had you known him before?

A. Yes, I had known him before.

Q. All right.

A. Do you want me to describe Kuntz?

Q. No; if you knew him, just tell briefly what happened.

A. He yelled out, "Go back into your hole, you dirty rats." Well, we didn't see any use to start running back into the building.

MR. LAUTER: I ask the last be stricken.

TRIAL EXAMINER LINDSAY: Sustained.

Q. (By Mr. Day) Don't tell whether you saw any use, or what your thoughts were and conclusions; just tell what you did and what you saw?

A. Well, all but two of us moved into the building at a walk. The other two, Perry Angstedt and myself, who was the other contingent stayed there and pitched balls.

Then there was another one yelled out, "You better get back in there, you sons-of-bitches."

Well, I came from Kentucky, and I had no intention of going back in the building, then. So I didn't see any use in running back into the building, there. I am not having a bunch of parties dictate to me to what the hell I am going to do. I come from the South where they dictate to themselves.

Q. Well, what happened?

A. Well, then we stayed out there and then there came across a volley of rocks, keeping in mind, of course, we are standing there with a concrete porch, and no debris laying there, well, we had to let about five volleys come across before we started grabbing up rocks, then there was enough there for us to get hold of some, and we started whaling them back, and that kept up for about 20 minutes. I would state, and in that time why there must have been around in excess of over a hundred people that were out there, either as spectators or throwing rocks, and we kept throwing them.

Q. About how many pickets were throwing rocks?

A. Oh, there must have been about 20 or 30.

Q. At you and Angsted?

A. Yes.

Q. Was anybody hurt?

A. No, we can dodge pretty well, and of course, they had to throw across the fence, you know, and it gave them a disadvantage, because they had to come across this fence,

and you could duck behind the fence, and duck back and forth. Then we moved back into the building.

Q. That was the 7th of June?

A. Yes, that was about between—that was 5:30 when it started, and I reckon it lasted until about a quarter after 6.

Q. On that same day at about 11 o'clock, did you see somebody come to the door of the office building?

A. I did.

Q. Tell the Trial Examiner about that in your own way.

A. Well, I happened to be sitting in the front corner office, which is the southeast corner of the building, looking out the window, and this foreigner came walking up on Oberlin Road, and there was anything said to him until he started to walk into the office building.

As he walked up the steps, immediately he was met by three pickets who were stationed there in the foyer, and the windows were half open and one of the foreigners told him to go on back. Well, as he turned and started down, back to Oberlin Road, going east, he was hit on the shoulder, the right shoulder in the back, with a club.

He immediately wheeled around to see what hit him, I presume, anyhow he wheeled around and he was hit across the face with a club, and then he was escorted over to the C. I. O. headquarters, temporary headquarters which were located to the east, to the rear of our building, which can be plainly seen from our building. He was escorted over there and kept over there sometime. I did not see the man leave, I only saw him go in, and I did not see him go out. And I watched for approximately a half hour.

Q. What, if anything, did you see occur there on the 8th of June?

A. On the 8th? Well, of course, right after that rock-throwing contest we had, why you know things got—begin

to having the aspects of having a little action around there. In fact—

TRIAL EXAMINER LINDSAY: Just a minute, tell us what action there was.

THE WITNESS: Well, I will tell you what the action was.

TRIAL EXAMINER LINDSAY: Go right ahead.

A. The action was that pickets were constantly congregating in groups which swelled the picket line considerably. I would say at that time they had approximately—instead of the usual 30 pickets—they had approximately 250 on hand. They were picking up, behind the buildings, logs and sticks and railroad ties and carrying them over and building two or three bonfires. That was, I presume, to keep warm by. Nevertheless, the bonfires were built. Aside from a lot of jeering and cussing going on, why nothing happened until 12:30. At that time, that is 12:20 a. m. on June 8th—

Q. In the morning?

A. Yes, that is in the morning.

Q. Midnight, yes?

A. Past midnight, 20 minutes past midnight.

Q. All right.

A. And a group of approximately 25 men, one of whom I recognized, gathered around the telephone pole located on the northwest corner of Cleveland Avenue and Oberlin Road.

Q. Who was the man you recognized?

A. Joe Morton, president of the C. I. O. lodge.

Q. Go ahead.

A. This telephone pole carries a line which comes across the bridge, the cable which comes across the bridge down Cleveland Avenue, carries it down the pole, under the ground and into the building of Republic Steel Corporation.

It splits at Republic Building and goes down Cleve-

land Avenue and connects with Tyson and Enterprise Manufacturing Company.

The cable is encased with a pipe, oh, approximately 10 feet in length from the ground. That pipe is approximately three and one-half inches in diameter.

They were standing on the ground and of course motion was taking place, the flood lights were on, you could naturally see that their hacksaw was being used to good advantage on the cable, the pipe.

It was not long until we knew that the cable was cut, because we saw the fire flashing from the cable and all of the lights on the switchboard lit up like a country church. So at the time that started, the city policeman who had been stationed there all the time was called and notified that that action was taking place.

Q. What was his name?

A. That was Officer Kroener.

Q. Was he one of the city policemen?

A. He was a city policeman.

Q. Stationed at the Republic Office?

A. Republic office.

Q. Go ahead.

A. He viewed the situation from out of the east window of Mr. Schmid's office, and he says, "Well, there is nothing I can do about it, unless you identify the man." Well, you can't identify—we couldn't identify the man cutting the wires, 25 yards away, with approximately 25 people around him.

So there was nothing done relative to stopping the cutting of the wires, or any attempt made. He just went to the front door of the building and hailed one of the deputy sheriffs and advised him—

Q. Did you hear this yourself?

A. What is that?

Q. Could you hear it?

A. Yes, I heard it.

Q. Don't tell anything unless you heard it yourself.

A. All right. I was right there. I followed him out there.

Q. All right, go ahead.

A. He walked out, told the deputy sheriff, he said, "Tell Chief Switter that all communication has been cut from Republic Steel Corporation office," and that was all of that conversation.

He came back from the door and took up his duties there. Then we had no disturbance in the office, at all, except that we were unable—we were hampered by the fact that we were unable to communicate with the outside world other than by special delivery letters.

Q. How long was it before telephone service was restored there?

A. It was never restored. It was partially restored on that cable, which didn't affect the Republic Steel Corporation. The telephone men were down there at approximately 9:30 on June 8th to restore the communications, and he was met by a committee of strikers.

Q. Did you hear what they said?

A. I couldn't hear the conversation between the telephone men and the strikers. But I know what did take place, in view of the fact that Mr. Beamer of the telephone company came up to Republic's door, escorted by two of the C. I. O. members, and he advised Mr. Angstedt that we would not have any telephone communication in view of the fact that the C. I. O. members were adverse to allowing him to restore the lines, and if he repaired the lines they threatened to cut lines elsewhere, and he didn't feel like taking that risk.

So therefore we had no telephone communication. Then on the afternoon of June 9th—say on June 10th, 4:00 o'clock, we were lined up in the rear of the building in automobiles, and we passed before the reviewing committee.

Q. Now, whom did you pass before?

A. The line of pickets, the captain of which had—

TRIAL EXAMINER LINDSAY: Strike out "the reviewing committee."

MR. DAY: Yes.

A. Who had a list of our names, which was obtained by Switter that morning.

Q. That morning?

A. Yes, sir.

Q. Now, tell us about that.

A. Well, all I know was that the list was necessary, it was necessary to furnish a list.

Q. Were you there when Chief Switter got the list?

A. I was there when Chief Switter came in and I was told afterwards that he got the list of our names and apparently this was because when I went out they asked me my name, they—the man holding the list couldn't find it and I found it on the list for him and told him, "This is my name."

MR. LAUTER: I move the answer be stricken out.

MR. DAY: No, I think that is—

TRIAL EXAMINER LINDSAY: Motion is denied. Let the record show an exception.

MR. LAUTER: Exception.

Q. Go ahead, please.

A. So after being stopped and asked our names, why we were allowed to proceed on home.

The only other activity that took place during the time that I was down there was the time was the time that, at intervals, during which we moved men from the mill.

Q. The men that had been working in the mill.

A. Well, you see it was necessary to keep a crew of men in the Massillon plant, even though we were going to shut the plant down in order to prevent excessive loss of equipment, this occurring mostly in your coke ovens and your soaking pits and your furnaces, open hearth.

Q. About how many men were kept in there?

A. I don't know the exact number, but I would say there was approximately, oh, 1000 men.

Q. Where did these people that were in the mills sleep at night?

A. I wasn't down there.

Q. Where did you office folks sleep?

A. Where we slept? Well, we slept in the office building on—some of us slept on cots, some of us slept on the floor. Others slept on the desks. Until we tore up some boards and some carpets and made some cots, well, the ones that didn't have cots slept on the floor.

Q. Where did you eat?

A. We ate up in the cafeteria.

Q. The cafeteria was running, was it?

A. That is right.

MR. DAY: Does the Examiner wish to adjourn at 12 o'clock? It is just about 12 o'clock now. I am not quite through.

TRIAL EXAMINER LINDSAY: Yes, we will adjourn until 1:30.

(Whereupon, at 12 o'clock, an adjournment was had until 1:30 p. m.)

AFTERNOON SESSION

(Whereupon, at 1:30 p. m. the hearing was resumed and the following proceedings were had:)

C. W. CRAVENS

resumed the stand and testified further as follows:

Q. (By Mr. Day) What, if anything, did you observe out there, Mr. Cravens, as to men coming out of the mill and being taken to the C. I. O. Hall?

A. Well, after—you see, these men were in the mill primarily to shut down the mill and at intervals naturally

these particular parts of the mill would be shut down, cooled down to such an extent that it was no longer necessary to keep the men in the mill.

At that time, why those men were evacuated. That evacuation was done under the direction of Chief Switter. The time varied. Some afternoons it would be around 2:30; some afternoons it would be 4:30; some afternoons 5:30, depending upon what time the Chief arrived to take care of the evacuation.

Q. Did you, yourself, observe what happened when the Chief arrived?

A. That is right.

Q. Tell us about that.

A. He would arrive, then they would line up the men in order, in cars, the salaried employees were the first employees to be removed from the plant. They were lined up ahead and then there was an interval of approximately 25 yards before the hourly employees were allowed to come out of the mill. There would always be about 250, I would say, or 300 people, including the strikers and spectators around the entrance of the mill, the No. 2 gate, at the time of the departure of these men.

Each car was stopped individually and hollered at and jeered and then allowed to proceed on its way—that is, as far as the salaried men were concerned.

However, the hourly employees, when they started out, Chief Switter rode the first car on the running board of the first car, and they were conducted over to the C. I. O. headquarters where they remained for sometime.

Q. Did you see them from where you were?

A. Correct. I could see the headquarters. I couldn't see inside of the headquarters, but I could very easily see the door and see them walking in. Then after they were in there for a while, Chief Switter conducted them back up Cleveland Avenue and down east on Oberlin Road, across the bridge.

Q. How long did you see that practice taking place?

A. That took place approximately two times, until Bill McConnell, who is general superintendent of the steel division, phoned to Rollie Frank and advised him that the men coming out of the mill were very much adverse to being taken to the C. I. O. headquarters.

Immediately Chief Switter was called, and he came down. I failed to hear the conversation between Chief Switter and Mr. Frank, in view of the fact that my duties carried me elsewhere.

On that afternoon I particularly watched the cars coming out and there were no cars that were required to go to the C. I. O. headquarters.

There was only one other evacuation that I know of after that, which was on Saturday approximately at 1:15, and at that time there were only two cars with hourly men present, and those were forced to go to the C. I. O. Hall.

Q. On how many days did you see the cars go to the C. I. O. Hall?

A. As close as I remember, it was four days.

Q. Did you ever observe the conduct of the pickets with relation to automobiles out in front where you were?

A. The what?

Q. Did you observe the pickets do anything with regard to automobiles?

TRIAL EXAMINER LINDSAY: Those are awfully leading questions, Mr. Day.

MR. DAY: Well, I do not know how to make the question any more simple.

A. What do you want? Is it your idea for me to describe the action that took place?

Q. What you saw, yes.

TRIAL EXAMINER LINDSAY: Tell what you saw.

Q. Did you ever observe anything?

A. Well, I can tell you what I saw, if you want the

story on it. Any time of the day or night that automobiles came down Cleveland Avenue, they were stopped regardless of their destination with the exception that after the third day the Tyson employees and the Enterprise employees had a sticker that they put on the windshield of their car so that they were easily distinguishable and, of course, the C. I. O. cars had C. I. O. on them and none of those cars were stopped but any other car passing through there was either made to hurry on or stopped and at night when the traffic lights were in use, the traffic was under the direction of the strikers and not under the direction of the traffic lights and when the men came out of the mill occasionally, the men would hit the bumper or fender of their cars, not hard enough to do any job to amount to anything, and aside from the jeering, there wasn't anyone I saw hurt or even molested inside of the cars, but whenever they would hit the car or something, why Chief Switter would walk up and tell the car to move ahead. Does that answer what you want?

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) How long did you stay there in the mill?

A. 15 days and 16 nights.

Q. And you were in the mill on May 25th?

A. I was not in the mill, I was in the office.

Q. In the office?

A. That is right.

Q. The strike was called on May 25th?

A. That is right.

Q. Did you try to get out that day?

A. No, I had no intentions of leaving the office that day.

Q. You did not want to leave that day or the next day?

A. I came back from Akron to go into the office because I heard rumors there was going to be a strike.

Q. You wanted to stay in the mill?

A. I wanted to stay in the office. My duties require my being in the office.

Q. Did your duties require you at that time there on the 25th?

A. Certainly. My duties require me to be there any time we are working?

Q. What are your regular hours?

A. My regular hours, 8 to 10. We generally work from 8 o'clock until 5 in the afternoon but we would not have any set hours as far as sales are concerned. If your customers detain you longer or call you late, you stay until you are done.

Q. Do you recall the day of the strike?

A. Right.

Q. Do you recall how many hours you worked that day?

A. Why, I was out of the office maybe 7 o'clock, 8 o'clock.

Q. Did you generally leave the office by 7 or 8?

A. There was a lot of times I left the office at 5:30 to go home and eat something and came back.

Q. How long did you generally stay at the office?

A. Sometimes I stayed at the office until 12 o'clock.

Q. I am asking you how long you generally stayed at the office?

A. I stayed in the neighborhood of 9:30, 10.

Q. That is what you generally stay at the office?

A. That doesn't go for every day.

Q. Do you know what the word generally means?

A. Yes.

Q. The majority of occasions, what time would you leave the office?

A. The majority of occasions I would say I would be

out of there by 6 o'clock.

Q. On the 25th day of May the strike was called. What time did you leave the office or were you at work that day?

A. I was at work that day and at noon I went to call on a customer in Akron to deliver some samples. I returned from there with the information for the mill to proceed with the order, the information which I transferred to the mill that night.

Q. When did you return to the office?

A. I returned to the office about 8:30 or 8:45.

Q. When did you get the information that a strike was going to be called?

A. Well, I didn't get any definite information that the strike was going to be called. It was not known definitely. We had heard rumors from time to time that it would be called this night or the other night, but there wasn't anyone who told me that the strike was going to be called definitely until after I got back to the office that night.

Q. When was the first time you heard there was going to be a strike that night?

A. Approximately I would say 8:35.

Q. That was after you had gotten back to the mill?

A. That is right, after I had gotten back to the mill.

Q. And you continued to stay in the building, is that right?

A. Correct.

Q. You wanted to stay in the building, is that right?

A. Right.

Q. You didn't want to leave the building?

A. No, sir.

Q. You did not make any attempt to leave the building during the 15 days that you were there, is that correct?

A. That is correct.

Q. Now you mentioned that when you left the building there were pickets on the outside of the building with a list of the names of the people who were inside; that is correct?

A. There was one man who held the list of the names. He was the man who stopped the car.

Q. Have you testified that some of the people inside had been sleeping on cots, is that right?

A. That is right.

Q. Do you know when those cots were brought into the mill?

A. No, I don't know when the cots were brought into the mill. All I know, the cots were there. There wasn't enough cots to go around. I personally slept on an improvised cot that we made out of carpets and boards.

Q. Where did you sleep the first night you were in the mill?

A. I didn't have any sleep. I didn't do any sleeping.

Q. Did anyone—

MR. DAY: You keep saying the mill; do you mean the office?

MR. LAUTER: The office.

Q. Did anyone sleep on a cot?

A. I know they went to bed.

Q. I am asking you if anyone slept on a cot?

A. I know of two people that slept on a cot. I was not up on the second floor and I know of two cots on the first floor.

Q. Did you make any preparation for staying there when you came in there on May 25th?

A. No.

Q. Do you know of any others who made preparations to be there for any length of time?

A. No.

Q. You testified about some women being there, three cooks being there, were they there on the night of May 25th?

A. Yes.

Q. Are they regularly in that building?

A. Yes.

Q. And they stayed there 15 days and 16 nights?

A. Yes.

Q. All the time?

A. No, wait a minute. You asked me something there and I said yes. There were three of them that left there about four days afterwards, two of them who were not feeling so well and one of them whose parents were very sick. They were released. They were all telephone operators, which left four.

Q. How did you get food into the office?

A. We had food there.

Q. Did you have enough food for 15 days and 16 nights?

A. Yes, I would say we had more than enough food for 15 days and 16 nights, such as it was.

Q. You had that food when you got there on May 25th?

A. It was there when I went up the morning of May 26th to eat.

Q. You testified about the evacuation of some of the people from the mill, plant, or office?

A. That is right.

Q. How many people did you see evacuated?

A. Well, I could not count the exact number of people in every car but I can tell you approximately. I would say there was approximately 250 cars left the mill.

Q. You say that some of these cars were taken to C. I. O. headquarters?

A. That is right.

Q. How many were taken to C. I. O. headquarters?

A. The first time there were four, the second time there were five, and the third time about two.

Q. That is four, five and two?

A. Yes.

Q. About 11 cars out of 250?

A. Yes.

Q. Do you not know whether the men who went to C. I. O. headquarters asked to go there?

A. Whether they asked to go there?

Q. I am asking you whether you know if they asked to go there?

A. May I ask a question?

Q. No, you just answer my questions.

A. I would say from the conversation of the superintendent of the mill the men objected to going to the C. I. O. headquarters, which would mean that they would not have asked.

Q. You mean the 11 cars which went there containing men were men that did not want to go there?

A. Objection was made after five cars went to headquarters.

Q. Objection was made by whom?

A. By the hourly men to the superintendent in the mill, who transferred that information to us.

Q. Was any objection made by the men in the three cars that did go to C. I. O. headquarters?

A. Yes. That was the objection of the men in the mill not to go over there because they phoned McConnell and told him of their predicament.

Q. Will you tell me what the names of those men are?

A. No, sir, I can't tell you the names of the men.

Q. What was Mr. McConnell's position in the mill?

A. Mr. McConnell is general superintendent of the steel division.

Q. What state do you come from, Kentucky?

A. State of Kentucky, you guessed it right.

Q. Harlan County?

A. No, not Harlan County.

Q. What county?

A. No, I don't come from Harlan County, I come from Davis County, and that is not in the mountains.

Q. You testified about rocks being thrown?

A. Yes.

Q. While you were playing baseball?

A. That is right.

Q. Who started throwing rocks?

A. Well, I think I clearly stated that the strikers started throwing the rocks, because we had no rocks in the concrete court.

Q. Did you throw any rocks?

A. I stated that I threw rocks after there were enough rocks in the court where I could pick up some.

Q. You said something about throwing rocks while you were in back of a picket fence, or fence of some kind?

A. No, it is not a picket fence. It is a wire fence, approximately five and one-half feet high.

Q. And the pickets were at a disadvantage because you were in back of the fence?

A. Well, you couldn't get those rocks through that fence.

Q. But you could get the rocks from where you were, to where the pickets were?

A. No, we didn't do any damage at all, we had the same disadvantage. If you were standing on one side of a fence and I was standing on the other, and you had a rock and I had one, we would both be equal.

Q. You didn't testify that the pickets were at a disadvantage?

A. What is that?

Q. Did you testify that the pickets were at a disadvantage?

A. I said that the reason that there was no one molested, I believe, was that the pickets were at a disadvantage, due to the fact that there was a fence between us which naturally would mean they couldn't aim directly at you and get that rock there quick enough before you could dodge.

Q. Who is Mr. Angstedt?

A. Mr. Angstedt is the head of the cost department.

Q. What department is that?

A. The cost department.

Q. And he threw rocks with you?

A. Yes, he threw.

Q. That is all. Just one question, Mr. Cravens, May I ask you one more question, stand where you are. You said down in Kentucky they don't let things be run by foreigners, is that right?

A. That is right.

Q. Do you know whether there are any foreigners here in the mill?

A. Do I know whether there are any foreigners in the mill?

Q. Yes.

A. Yes, sir.

Q. Did you notice whether the men on the picket line were foreigners?

A. Yes, sir.

Q. Could you tell that by looking at them?

A. Certainly.

Q. You can tell a foreigner by looking at him?

A. Certainly you can tell a foreigner by what he looks like, the same as anyone else.

Q. You could be able to distinguish whether they were naturalized citizens or foreigners, just by looking at them?

A. Now, wait a minute, wait a minute.

TRIAL EXAMINER LINDSAY: Now, let's not have any more of this laughing.

A. I can't say whether all of the men on the picket line were naturalized or not. But I will say this, that the men on that picket line, when you asked me the question of foreigners, I would say they would be classified as foreigners, that is as far as the place of birth is concerned. I am classified as an American because I was born and raised in the United States. If you were born and raised in England, I would say you were a Britisher.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

R. STANLEY SMITH

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please?
A. R. Stanley Smith.
Q. Your age?
A. 32.
Q. Your residence?
A. 1539 Overlook Avenue, S. W.
Q. Where do you work?
A. Republic Steel Corporation, Massillon division.
Q. In what capacity?
A. Foreman.
Q. Where?
A. Foreman.
Q. Foreman of what department?
A. Billet shed department.
Q. How long have you worked for Republic?
A. Fifteen and one half years.
Q. Were you working there during the strike?
A. I was in there during part of the strike.
Q. Now, directing your attention to the afternoon of June 3, 1937, where were you?
A. June 3rd?
Q. Yes.
A. I couldn't recall the actual date, where I happened to be.
Q. Well, do you recall an occurrence at or near the Venice Night Club in Massillon?
A. I do.
Q. Can you fix approximately the date when that happened?
A. Well, that was on or about June 3rd, I couldn't state the actual date.

Q. Will you tell us what happened?

A. Why, I pulled up to the club, walked in there with the intention of making a purchase, and before I had made this purchase, there was a car pulled up in front of the club and two men came in.

Q. Talk a little louder, please?

A. Two men came in, one standing outside and claimed that I was riding the picket line, which I denied. They claimed that I was carrying a petition Back-to-Work petition, and I also denied that. They made the remark that I had better come with them to the headquarters. Understanding they had some idea of taking me by force, as I thought, I asked them what their idea was and they said, "Well, there was no argument, I would just go with them to headquarters."

MR. LAUTER: I object to this question and move the answer be stricken on the ground there is no connection established.

MR. DAY: Well, there will be.

MR. LAUTER: Well, let's have it before we go any further.

MR. DAY: We can't have it until he tells what happened.

TRIAL EXAMINER LINDSAY: Well, I will admit it with the exception of your personal idea of the thing, that should be stricken from the record.

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Just read back the testimony.

(The answer read by the Reporter as follows: A. Two men came in, one standing outside and claimed that I was riding the picket line, which I denied. They claimed that I was carrying a petition, Back-to-Work petition, and I also denied that. They made the remark that I had better come with them to the headquarters. Understanding they had some idea"—)

TRIAL EXAMINER LINDSAY: Right there, his understanding, from there on.

MR. DAY: Read the rest of the answer.

(The remainder of the answer read as follows: "I asked them what their idea was and they said, 'Well, there was no argument, I would just go with them to headquarters.' ")

Q. Describe the manner of these men.

A. Well, one man stood at the door, the other came up to me and says, as I stated before, that I had been riding the picket line, also had a petition. Told me that I had better come to headquarters with them.

Q. Then what happened?

A. Well, I told them that I hadn't any intention of riding any picket line or anything else. That didn't seem to make any difference, they said, "Come on, we will go to headquarters."

So we—that one gentleman inside took me by the arm and walked me out the door and the other one followed. I got in my own car, one man on each side of the car, on the running board, steered me around through Columbia Heights on down through Cleveland Avenue to headquarters.

Q. What headquarters?

A. CIO headquarters.

Q. When you got to CIO headquarters what happened?

A. Well, these same fellows escorted me inside and inquired of one of the men there if someone was there, I didn't understand the name he asked for, but he was evidently informed that he was not, this man was told to watch me until he came in. So I stayed around the headquarters there for possibly five minutes, I asked some fellow standing there who I was waiting for and he said the fellow was over at the main office, that is, the Republic Steel main office. It seems that they were letting out some salaried

employees that afternoon. I was told that I would have to wait there until he came back, that he wanted to question me.

Q. Then what happened?

A. I told him that I would like to get out of there and go on home, and he said, "Well, come on, we will take a walk around to the main office," he said, "see if we can see this fellow." Which we did. We walked around the front of the main office, couldn't locate him. Then they come back and sat on the running board of my car, this fellow from the headquarters along with me. We sat for possibly 15 or 20 minutes and we saw a gang of fellows coming from in back of the Republic Steel Company office. He said, "Here he comes now." We crossed over and went into the CIO headquarters.

When we got over there, why the fellow said, "Come on inside." I went in and into a small room on the south side of the building. I would say there was either five or six besides myself in there. They locked the door after we all got in.

I was told the same thing, that I had been told in the Venice Night Club, that I had been accused of carrying a petition, Back-to-Work petition, and also riding the picket lines, spotting the pickets. I denied it there the same as I did at this night club. This man told me that when we foremen were let out of the mill we were shown every courtesy, we were not molested at all, which I admitted. I went out of the mill and was not bothered at all. And they said they expected us to use the same courtesy to them.

Well, I said, "I have no idea of doing against their ideas, against their code, or whatever you might call it," I was merely on a personal trip of mine, my own, and I usually used that particular route to go there and back.

He asked me if there was any way that I could prove that I didn't have anything in my pockets that would lead

them to believe that I had a petition. The only way I can do that, was to tell them that I would have to show him what I had in my pocket.

"Well," he said, "I would like to have you do that," which I did. I showed him my handkerchief, keys and what-not, miscellaneous stuff I had in my pockets. He was satisfied with that.

He asked me to open the front of my shirt, to make sure there wasn't anything in there. Of course, I complied with his request. After that he said that I might possibly have something in my car. I told him that it was his privilege to come out with me and I would show him what was in the car.

He came on out, with me, and I opened the door of my car and opened a small compartment on the righthand side of the dashboard, pulled out the papers that I had in there, road maps and so forth; he merely glanced over them and o. k.'d them. I put them back in and one of the assistants there opened the rumble seat, looked back in there; not seeing anything of any importance to him, he closed it up again. He gave this chief or whatever he was called, the o. k. and said that everything was o. k., but if he were in my place, when he had any business in the southeast end of Massillon, he would try to take a different route in going there.

So I said under the circumstances I would, but I didn't want any more interference from any of those fellows than I could possibly do away with.

Q. How long were you at CIO headquarters? About how long?

A. I would say altogether about 45 minutes.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) During all the time that you

were there, you say that you were shown every courtesy?

A. Yes, I was not molested.

Q. Do you know some of the other foremen in the billet shed?

A. Do I know some of the other foremen?

Q. Yes.

A. I think I know practically all of them.

Q. Is Mr. Henderson one of the foremen?

A. Yes.

Q. Will you give me the names of any of the foremen that carried around Back-to-Work petitions?

A. No, I couldn't do that because I never happened to see one of them.

Q. Well, don't you know that they did carry around Back-to-Work petitions?

A. That I can't say.

Q. You never heard anything, that they did?

A. Oh, there has been rumors around, sure. I suppose that is why I was picked up, because there had been rumors around that there were Back-to-Work petitions working throughout the city, but as far as I am concerned, I never saw one.

Q. No, I understand, Mr. Smith, that you did not carry around any Back-to-Work petitions. You testified that you did not, and that is true, isn't it? You did not carry any around.

A. No, I testified to that.

Q. And it is also true that some of the other foremen did carry around Back-to-Work petitions, isn't it?

A. Well, I stated that I did not know, because I had never seen one.

Q. But you had said that they did?

A. Well, I had heard, sure.

MR. LAUTER: That's all.

MR. DAY: That's all.

(Witness excused.)

A. DONALD SHATTUCK

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?
A. A. Donald Shattuck.
Q. Where do you live?
A. 1204, 11th Street, N. E., Massillon.
Q. What is your business?
A. I am a heater at the coke plant, Massillon.
Q. How long have you worked at the coke plant?
A. Four years ago in May, I started.
Q. I will ask you what occurred at about 6 o'clock on the evening of June 4th last?
A. Well, June 4th around a quarter of 6 it was, I was told that I was going to leave the mill.
Q. Keep your voice up.
A. I was told that I was going to leave the mill that evening at 6 o'clock, and I had worked that day, I happened to be the last car in the parade going out at that time.
Q. Just a minute. You had worked that day?
A. Yes.
Q. In the mill?
A. Yes.
Q. What plant was that?
A. Coke plant.
Q. That is a part of the big plant?
A. Well, that is the coke plant in general, in the furnace division.
Q. All right, go ahead.
A. Well, I got in my car and drove down to the police there and it happened to be the last car in the parade.
Q. About how many cars were in the parade?
A. I would say there were approximately 24.

Q. And out of what gate did you drive?

A. No. 2 gate.

Q. And that takes you onto what street?

A. Oberlin Road.

Q. All right, go ahead.

A. And as the cars started out of the gate the first few cars, why Bill McConnell put another fellow in my car with me, and as the cars filed out there were several cars in front of me taken over to CIO headquarters.

Q. Who was the man in the car with you?

A. One Willis Hall.

Q. Was he working in the mill too?

A. Yes, sir, he worked at the coke plant. And as I started out of the gate why Chief Switter stepped on my running board and about 20 feet further two CIO men stepped on also, went on either side.

Q. Before you got out of the gate or while you were going through the gate did you see anybody standing there?

A. Yes, there were a group of approximately 300 pickets, sympathizers and people standing there booing and so forth.

Q. Did they have anything with them?

A. Yes, they had, oh, ball bats, clubs, gaspipes and what not.

Q. Now, tell us about Chief Switter.

TRIAL EXAMINER LINDSAY: "What not" is stricken out of the record.

A. Chief Switter stepped on my running board and we drove off of the company property and these two pickets —first these two pickets got on the car, just before we got off of the company property. They were standing on company property at the time.

I had made up my mind before we went out that I was not going to go to the CIO headquarters, so as I started out Oberlin Road I started to turn to the right, that is east

across the viaduct, and as I did so a bunch of pickets swarmed in front of my car, motioned me to go over to the CIO headquarters. So I stopped and Chief Switter said, "You had better follow these boys directions."

So then I had nothing left to do but to turn left and go into Cleveland Avenue.

Q. Now, as you left that plant, you say somebody got on your running board, who was on your running board?

A. Chief Switter and two CIO men. I cannot identify the men by their names.

Q. What running board was the Chief on?

A. The Chief was on my side, the driver's side, left side.

Q. Where were the two CIO men?

A. One on either side, one with Switter and one on the right side.

Q. Then what happened?

A. They forced me up Cleveland Avenue toward the CIO headquarters. As I came near the headquarters the boys told me to turn right into a little parking lot at the south side of the headquarters. I parked my car there, locked it and got out and they said "Follow us." So amidst these jeers from the crowd, this other boy and I followed these two pickets into the CIO headquarters.

Q. Where was Chief Switter while this was happening?

A. He was right inside or right very close to us, there. He went in along with us.

Q. What happened after you went in?

A. They took us in, and they took us into a back room, a corridor ran straight through and this room was on the south side of the CIO headquarters.

There were approximately ten or twelve chairs in the room, and this other fellow and I went in. There were about six or seven other men in there, and they were all sitting down, we went in and sat down also.

After we went in the door was locked. Chief Switter sat down in the corner by the door and there were about five or six CIO men there too and they started then to question the men. I think it was Joe Morton started, I am sure that it was Joe Morton who started the questioning.

He started at the north end of the room and I was sitting there at the far end, and he questioned all of the men down the line. Just before he came to me—

Q. He questioned them about what? Did you hear the questions?

A. Yes.

Q. What did he ask them?

A. He asked we men what they were doing in the mill, and if they didn't know there was a strike, and they were breaking the strike and various other questions like that.

Q. All right, go ahead.

A. So just before he came to me, someone knocked on the door and asked for Joe Morton and he left.

Just as he left there was a small fellow sitting next to him there, he said, "Thomas, you carry on the investigation." So Thomas questioned me, then.

Q. What did Thomas ask you?

A. He asked me my name and address and I told him. He asked me what my job was and I told him. He asked me what the idea was that I worked and I told him that I had to work to help shut the place down.

He asked me if I didn't know I was breaking the strike and I said yes. I told him that the coke plant has to be shut down in several weeks' time, they can't be shut down in a day's notice, and he agreed with me on that.

And I also told him that there were just two heaters on the plant, there is usually four, and that we had to work two of us anyhow to do the work to shut the place down, one man couldn't work 24 hours straight through on the job.

He was very well satisfied with my testimony there and asked me if I belonged to the CIO, which I said no. He

asked me if anybody had ever asked me to join and I said no. And he said, "Well, in a couple of days we will send two or three men around and they will ask you to join the CIO."

Q. Did he ask you to sign some paper in there?

A. No, there was nothing said in there about joining CIO. So then they unlocked the door again and these same two gentlemen that escorted us in from the CIO picket line, escorted us back out, and they got out, one of them got on the car and the other drove the machine and they escorted us across the viaduct and this other fellow jumped off and got into the car with the other fellow and they went back to the CIO headquarters.

Q. During the events you have described already, where was Chief Switter, if you know?

A. Well, as I stated before, he was on the running board going into the headquarters, and he sat in the room there during the questioning, and as soon as the questioning was over why this Thomas said, "Well, escort the boys back, now, and we will try the men quiet from booing and so forth."

They didn't help a bit. They still did. And Chief Switter then walked out before us and he stood out in front a little way, and when we drove away why he was still standing there.

Q. You say they booed you? Just what did they do?

A. Well, as I left the millgate there, the No. 2 gate, why this crowd of approximately 300 pickets, sympathizers and what not, all started to yell "Boo" and "Scab" and lots of them even put the fingers up to their nose like that (indicating) and swung their gas pipes around as if—well, and then they did the same thing over at CIO headquarters.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) You say they booed you?

A. Yes.

Q. Jeered you?

A. Yes.

Q. Didn't hit you, did they?

A. No.

Q. They were peaceful all the time that you were there?

A. I beg your pardon?

Q. I say the pickets were peaceful all the time that you were there?

A. Well, they didn't do any bodily harm.

Q. I am asking you, they were peaceful, weren't they?

A. Well, it all depends on what you call peaceful.

Q. What would you understand as peaceful?

A. They were very disorderly, I thought.

Q. Why, how were they disorderly? Because they booed at you?

A. Sure.

Q. I see. Booed you when you came out of the plant?

A. Sure.

Q. And was it the same crowd that booed you when you went to the strike headquarters?

A. Yes, they followed along the road there then after the last car was out, up to the headquarters.

Q. And they started booing you when you left the plant?

A. Yes.

Q. Now, how far is the plant from strike headquarters?

A. Oh, I would say it is approximately 300 feet.

Q. They walked along with you all the way?

A. Yes.

Q. When you were being questioned you were asked whether you knew you were breaking the strike, and you said yes?

A. Yes.

Q. You thought you were breaking the strike?
A. I knew there was a strike on, yes.
Q. Well, you answered you were breaking the strike?
A. That is right.
Q. That you knew you were breaking the strike?
A. Yes.
Q. Did you want to see the strike broken?
A. Sure.
MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) I want to ask you whether or not you were asked to sign any paper at C. I. O. headquarters?
A. No, I was not asked to join the C. I. O. at all.
Q. Were you asked to sign any paper?
A. Yes.
Q. Will you tell us about that?
A. Sure, this man, Mr. Thomas, asked me what money I made while I was in the mill. I did not give him any answer on the total sum but I told him I was getting paid 14 hours for 8 hours work. He said, "You are sure of that?" I said, "I am sure." He said, "Would you sign a paper to that effect?" And I said, "Certainly." So he got a small piece of paper out of the pad there and wrote down "this man said he was working 8 hours and being paid for 14." So I signed the paper. And he asked the other men that were sitting there if they had received the same rate. They said yes, they had been told they received the same rate and several of them signed the paper also and then he asked Chief Switter if he would witness the signatures. Chief Switter said no, he was not there to sign any papers or be a witness to anything, so they asked one Tom Morton from the C. I. O. men if he would sign it, seeing that he was not an officer of the lodge and he could sign it.
(Witness excused.)

MR. PONTIUS: Miss Vera Besancon.

VERA BESANCON

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Your name is Vera Besancon?

A. Vera Besancon.

Q. Where do you live?

A. 4212 South Avenue, Southeast, Massillon.

Q. Please talk a little louder if you can. Are you employed by the Republic Steel?

A. Yes, sir.

Q. How long have you been employed by that Company?

A. For about a year.

Q. What is the nature of your work for the Company?

A. I work in the payroll department.

Q. And where did you carry on your work? I mean in the mill or in the office or where?

A. In the office, in the main office.

Q. In the main office on Oberlin Road?

A. On Oberlin Road.

Q. Yes. Now, do you remember when the strike was called?

A. Yes, sir.

Q. And will you state whether or not you went to work the following morning?

A. I did.

Q. That was the morning of May 26th?

A. Right.

Q. What time did you go to work that morning?

A. Oh, about 10 minutes of 8, I guess.

Q. Did you know the strike was on when you got there?

A. Yes, sir.

Q. Heard about it?

A. Yes.

Q. How did you go to your place of employment that morning?

A. My brother took me in his car.

Q. In a car?

A. Yes.

Q. Where did he take you to?

A. We drove up past the viaduct and up to the office building, and the men around there kept telling the cars there to keep moving so we just turned around and went home.

Q. What did you observe there outside of the office?

A. Well, that men were standing on our office steps with clubs.

Q. And about how many, would you say?

A. Oh, I would say there were about eight men standing on the steps.

Q. You did not get into your place of employment that morning?

A. No, sir.

Q. Now, did you go back there at any time shortly after this?

A. I went back May 28th.

Q. And what time on the 28th of May did you go back?

A. I don't just remember what time, I remember the morning, but I don't remember what time.

Q. It was in the morning?

A. Yes, sir.

Q. How did you go there that time?

A. We had to get the bus downtown.

Q. You got a bus downtown?

A. Yes, sir.

Q. How does it come that you were going to work on the 28th, will you explain that?

A. To make the payroll.

Q. What?

A. To make the payroll.

Q. Were there any other payroll employees on this bus?

A. Yes, sir.

Q. About how many?

A. Oh, about 25, I believe.

Q. Where did the bus take you to?

A. Took us to the main office.

Q. What was the situation in front of the main office on that occasion?

A. Well, there were a couple of men on the steps and there were also two women.

Q. Did you observe the conditions around there on the roadway?

A. I don't remember just how that was.

Q. Well now, what occurred there at the main office on that morning?

A. Well, we got off of the bus and we had to walk up the steps single file and these two women looked through my purse, our names were checked off and we went on into the building.

Q. I didn't understand what you said the two women did.

A. Looked through my purse.

Q. What did they do with respect to that? How did they look through your purse?

A. Well, they just said, "Open your purse." And I opened it and they just moved things around in it, and that is all.

Q Where were the two men at this time?

A. They were on the top of the steps waiting to check our names off.

Q. Do you know who these women were?

A. No.

Q. Was your name checked off then?

A. Yes.

Q. And you were let through?

A. Yes, sir.

Q. And you went in single file?

A. Yes, sir.

Q. Was anything said to you as to why they were looking through your purse?

A. No.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) Did you work in the plant on May 25th?

A. Yes, sir.

Q. What hours did you work?

A. 8 to 5.

Q. Are those your regular hours?

A. Yes, sir.

Q. Now on the day of the strike did you work, May 25?

A. May 25 I worked.

Q. You did work?

A. Yes.

Q. May 26th you say you went to the plant and you were turned around and had to go back?

A. Yes, sir.

Q. At that time you saw men with clubs in their hands?

A. Yes, sir.

Q. What did you do on May 27th, do you recall?

A. May 27th?

Q. Yes, the day after you went to the plant with your brother and the car was turned around and you went home. Did you work on May 27th?

A. I don't remember whether it was the 27th or 28th I went back.

Q. When was pay day? Was pay day May 28th?

A. No.

Q. When was the day that you went back to make up the pay roll?

A. That is what I said I didn't know. It was the 27th or the 28th.

Q. Well, on May 26th you saw the men with the clubs in their hands?

A. Yes.

Q. On May 27th or May 28th you came back to the plant to make up the payroll?

A. I don't understand.

Q. On May 26th you went to work and you didn't get into the plant, your brother took you back home?

A. Yes.

Q. At that time you saw men with clubs in their hands?

A. Yes.

Q. On May 27th or 28th you returned again?

A. Yes.

Q. Is that correct?

A. Yes.

Q. To help make up the payroll?

A. Yes.

Q. You were not afraid to go back?

A. No.

Q. You were not afraid of the men with clubs in their hands?

A. No.

Q. You didn't see any of the men with clubs in their hands use the clubs, did you?

A. No.

Q. Who called you back to work?

A. Ernie McCollum.

Q. Who was Ernie McCollum?
A. He is my boss.
Q. Did he call you at your home?
A. Yes.
Q. Who took you to work that day?
A. On the bus.
Q. Did you go alone?
A. On the bus.
Q. Did you go alone on the bus?
A. Yes, sir.
Q. Were there any other members or employees of your department—
A. Yes.
Q. —on the bus?
A. Yes.
Q. From the payroll division?
A. Yes.
Q. Did you know that there was a strike on when you went back?
A. Yes.
Q. That did not deter you from going back to the plant, did it?
A. No.

MR. LAUTER: That is all.

(Witness excused.)

MR. PONTIUS: Sylvia Zuercher.

SYLVIA ZUERCHER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?
A. Sylvia Zuercher.
Q. Where do you live?

A. 223 Fifth Street, Northeast, Massillon.

Q. Have you been employed by the Republic Steel?

A. Yes.

Q. In what department?

A. Payroll department.

Q. How long have you been employed by that company?

A. About one year.

Q. Now, after the strike was called, do you remember the first time you did go down to the office?

A. Well, the first time I went down was on the 28th on the bus when the other girls went.

Q. Yes. Had you received some notification to come to the office that day?

A. Yes, I did.

Q. Who notified you to come?

A. My boss.

Q. Who is that?

A. Ernie McCollum.

Q. Were you informed as to what you were to do?

A. No, he just told me to get there.

Q. Did he tell you how to get there?

A. Yes.

Q. Following your talk with him you took the bus?

A. Yes.

Q. Were there other employees from your department on that bus?

A. Yes, there were.

Q. About how many?

A. Oh, about 20 or 25, somewhere in there.

Q. To what point did the bus take you?

A. Took us up to the main entrance of the building.

Q. That is the main entrance of what?

A. The building there.

Q. Of the office building?

A. Of the office building.

Q. Main office?

A. Right.

Q. That is immediately next to Oberlin Road there?

A. Yes.

Q. Describe to the Court what happened when you got there to the office and how you gained admittance there.

A. We got off the bus and had to march up single file.

Q. March up where?

A. To the door and the steps single file and there were two men checking our names off and before we got there we had to open our purse as we walked past two women, we had to open our purse to show if you had anything that, I don't know. After our names were checked off, we got in.

Q. After your names were checked off what happened?

A. We went into the office building.

Q. These two men on the steps, did they have anything with them, the men on the steps?

A. Well, not the ones that were checking our names off but there were other men on the steps that had clubs.

Q. Did you know these men?

A. No, I didn't.

Q. How did you come to open your pocketbook?

A. Well, they asked us to.

Q. What did they do then when you opened it?

A. Well, they just looked in it and then we went on again.

Q. Now you say these women put their hands on you, is that right?

A. That is right.

Q. Just tell how that was done.

A. Well, as I opened my purse with that one lady just felt me in the hip, that is all.

Q. Was anything said about that?

A. No.

Q. Then you went on in?

A. That is right.

Q. How long did you remain there at the plant?

A. We went out again that evening.

Q. That evening. Did you come back the following day?

A. Well, I didn't go back the following day, the others did.

Q. Did you just work the one day?

A. I just worked on Friday, and on Tuesday, Tuesday forenoon.

MR. PONTIUS: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Is that a regular bus that took all the girls down or is that a special bus?

A. City bus.

Q. Regular City bus?

A. Yes.

Q. It carried other passengers besides the passengers that included the girls in the payroll department, is that right?

A. I don't know whether there were any others on that morning, but they usually do.

Q. I am talking about the particular bus you were on.

A. I didn't notice.

Q. You did not notice anyone besides the girls who worked in the payroll division?

A. No.

Q. Is that correct?

A. Yes.

Q. You saw these men with clubs in their hands?

A. Yes.
Q. You were not afraid of them, were you?
A. No.
Q. You were called by your boss?
A. That is right.
Q. Were you afraid of losing your job if you didn't come down?
A. No, I was not.
Q. You were sure of your job?
MR. PONTIUS: I object to that.
TRIAL EXAMINER LINDSAY: Yes, sustain that.
MR. LAUTER: I withdraw it.
Q. Did you speak to the girls in the bus when you came down?
A. Sure.
Q. Did they tell you that they had been called also?
A. They did.
Q. Did you know the strike was on?
A. Certainly.
Q. That did not stop you from coming back to the plant?
A. It did not.
(Witness excused.)
MR. PONTIUS: Esther Nelson.

ESTHER NELSON

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?
A. Esther Nelson.
Q. Where do you live?
A. 1053 Williams Avenue, Northeast.

Q. Massillon?

MR. LAUTER: Sorry, I cannot hear the witness. May we have the name, please?

THE WITNESS: Esther Nelson.

MR. LAUTER: Nelson?

THE WITNESS: That is right.

Q. You live in Massillon?

A. Yes, sir.

Q. By whom are you employed?

A. Republic Steel.

Q. How long have you been employed by that Company?

A. A year.

Q. What department?

A. Payroll.

MR. LAUTER: Please, Mr. Trial Examiner, at this time I would like to object to any further testimony from this witness. Just as in the case of the Citizens Committee, apparently we have to listen to each member of the Citizens Committee tell the same story, we now have to listen to each member of the payroll department testify to the same set of facts. I object to any further testimony along this same line.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. Were you employed by the Republic Steel Company on the 25th of May, 1937?

A. Yes, sir.

Q. What was your regular hours of work?

A. 8 to 5.

Q. That is 8 in the morning to 5 in the afternoon?

A. Yes, sir.

Q. Did you go to work on the morning of the 26th?

A. Yes.

Q. How did you go to the plant on that morning?

A. In the City bus as I always did.

Q. That is the regular City bus?

A. Yes, sir.

Q. And where did the bus take you to that morning first?

A. Well, I got it up on State Street and he told me when I got on that I would not be able to—

Q. You cannot testify to what some bus driver told you. You got on the bus where?

A. At State Street.

Q. State Street in Massillon?

A. Yes, sir.

Q. Did you finally go down to the office of the Company?

A. Yes, sir.

Q. When you got down there describe to the Court the conditions that existed down at that office on the roadway in front of that office.

A. Well, there was men lined up on both sides of the roadway from the viaduct up to the building and then there was the men on the steps of the building.

Q. What if anything did you notice these men carrying?

A. I didn't notice at the time.

Q. You didn't?

A. I cannot remember.

Q. Now, when you came to the front of the office building, what took place there, if anything?

A. The bus stopped where it usually stops and the men came over to the bus and said we would not be able to get in the office, that they were not letting anyone in there. Mr. Siebold asked them and they said they were not letting anyone in at all.

Q. Who were the men that came and said this, if you know?

A. They were strikers but I didn't know any of them.

Q. You say the bus stopped at the usual place. Where was the usual place?

A. They usually come down and stop at the curb about 10 or 15 yards from the building and let the Republic Steel employees out there and then they turn and go down into the other plants and take the other employees down there, but that morning they were not allowed in. They had to go right through.

Q. How many men were around this office when you got there, would you say?

A. I wouldn't have any idea. There was quite a few.

Q. More than one?

A. Oh, yes, there was quite a few.

Q. Did you go back to work at any other time?

A. Yes, sir, on the 28th.

Q. How does it come that you went back to work on that day?

A. We were notified that they wanted us to come to work to make up the payroll.

Q. Did you take this same bus on that day to go down there?

A. No, sir. We got the bus at the bus terminal downtown at 8 o'clock in the morning.

Q. Was that the regular time for it to leave?

A. No, sir.

Q. It was a special bus, was it?

A. I think it was.

Q. How many of the employees were on that bus?

A. I believe there were two busses, I think altogether there was 40 some in each bus.

Q. What?

A. There were two busses and I think there were about 40 on each bus.

Q. Where those people all in your department?

A. Some in the payroll and some in the cost.

Q. Some in the payroll and some in the cost?

A. Yes.

Q. What date was it that you got your bus, do you remember?

A. The 28th.

Q. Where did this bus stop?

A. Right in front of the building, right at the steps at the office building?

Q. Now what occurred there?

A. We got out of the bus and walked up the steps single file and two ladies searched us and then we went on up the steps and two men took our names and the other checked them off and then we went on into the building.

Q. You say two ladies. Do you know who those two ladies were?

A. No, sir, I don't.

Q. You said they searched you. How did they search you, describe it fully.

A. They just told me to open my purse and I did, that is all.

Q. When you opened your purse, what did they do?

A. Just looked in it.

Q. Did you work there that day then all day?

A. Yes, sir.

Q. Did you go back any other day?

A. Saturday and Tuesday morning.

Q. What day of the week was the 28th?

A. Friday.

Q. Then you came back Saturday and then Tuesday?

A. Yes.

Q. On Saturday, the day following the 28th, what occurred on that day?

A. We got off the bus the same as usual and went up the steps and the same thing happened. They searched us and we went in.

Q. And when you went in that day, did you see any men around there on that occasion?

A. Yes, sir. They were standing on the steps with clubs.

Q. What was your answer?

(Answer read.)

Q. Were the same women there that day that were there the day before?

A. I don't believe the women were there.

Q. What happened on Saturday then?

A. We just went in single file and they checked our names off the same as they did the day before and they checked them off again when we came out at night.

Q. Who was it that checked off these names?

A. I don't know, I don't know the man.

Q. Did you recognize them as any of the office men there?

A. You mean that were checking our names?

Q. Checking the names.

A. Yes.

Q. Who were they, do you know?

A. No, I don't.

Q. Now, you went back on Tuesday morning following, did you?

A. Yes, sir.

Q. What happened on Tuesday morning?

A. The same thing.

Q. Were there women there on that occasion?

A. I don't just remember on Tuesday whether there were or not.

Q. Was your pocketbook opened that day?

A. No, sir, I don't believe so.

Q. What?

A. If the women were there, it was, and if they were not there, it was not.

Q. Did you work any more after that occasion?

A. Not after Tuesday morning.

Q. Do you know why not?

A. Well, we were told—

MR. LAUTER: I object.

TRIAL EXAMINER LINDSAY: Sustained.

Q. Did you talk with anybody?

MR. LAUTER: Let's have the time fixed. Let us make it definite.

MR. PONTIUS: What is that?

MR. LAUTER: I say I would like to have the time fixed. You say, "Did you talk with anybody?" Let us have the time fixed of the conversation being related.

Q. I do not want you to relate the conversation. I want to know if you had any conversation with anybody with respect to coming back to work any more?

A. No, sir.

MR. PONTIUS: All right. That is all.

Cross Examination

Q. (By Mr. Lauter) How long have you worked in the payroll division?

A. A year.

Q. What are your working hours?

A. From 8 to 5.

MR. PONTIUS: I can hardly hear you.

Q. On May 28th, did you go back to work?

A. Yes, sir.

Q. Who suggested that you go back to work?

A. That was the morning the strike started.

Q. No, the strike started May 25, that night. On May 28th you went back to work?

A. Yes, sir.

Q. He suggested that you go back to work?

A. I went back to work as usual, I didn't know there was a strike.

Q. Do you know Mr. Ed McCollum?

TRIAL EXAMINER LINDSAY: Just a minute, before this Reporter leaves. That last question of Mr. Day's, in which he said, "Was your pocketbook opened," or his last statement, now the evidence shows that these girls opened their pocketbooks themselves.

MR. PONTIUS: That wouldn't make any difference. I just wanted to know if they were opened.

TRIAL EXAMINER LINDSAY: They were opened.

MR. PONTIUS: Yes.

Q. (By Mr. Lauter) Ed McCollum, is that the name?

A. Ernest McCollum.

Q. Ernest McCollum?

A. Yes.

Q. What is his position on the payroll?

A. He is our boss, I don't know whether he has any title or not.

Q. Did he ever call you and suggest that you go to work on either May 26th or any day subsequent to that?

A. He called me May 27th in the evening and asked me if I would come in, the next morning.

Q. You mentioned a Mr. Siebold, is that correct?

A. Yes, sir.

Q. Was he on the bus?

A. Yes, sir.

Q. Now, on this same bus there were a number of other employees of the payroll division?

A. No, sir.

Q. Well, at any time did you go with a bus load of employees in the payroll division?

A. That is May 28th.

Q. May 28th? Did you have any conversation with them while you were on the bus?

A. We talked.

Q. What is that?

A. We talked.

Q. Did you have any conversation about being called to work?

A. Yes, sir.

Q. By Mr. McCollum? Did the other girls tell you that they had been called also?

A. Yes, sir.

Q. Now, was there any particular place that you were to be in order to take this bus?

A. Yes, sir, at the bus terminal.

Q. At the bus terminal? And at whose instructions were you to meet at the bus terminal?

A. Mr. McCollum's.

Q. Those were the instructions that he gave you on the evening of May 27th when he called you at your home?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. And how many bus loads of girls were there?

A. Two.

Q. And were they only girls, or were there any men?

A. No, sir, there was a few men, not many.

Q. Not many?

A. No, sir.

Q. About how many women were there in each bus?

A. I imagine about 15.

Q. About 15?

A. Yes, sir.

Q. But there were two bus loads that went together to the plant?

A. Yes, sir.

Q. On May 26th you were down there and you had seen men with clubs in their hands?

A. I don't remember, I wouldn't like to say.

Q. Sure, you weren't afraid to go back to work, were you?

A. No, sir.

Q. You knew the strike was on?

A. Yes, sir.

Q. That didn't stop you from going back?

A. No, sir.

MR. LAUTER: That is all.

TRIAL EXAMINER LINDSAY: We will call a short recess.

(Recess had.)

(Witness excused.)

LAWRENCE V. BEAMER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Lawrence V. Beamer.

Q. Where do you live?

A. Massillon.

Q. What is your business?

A. I am with the telephone company, the Ohio Bell, local manager of the Ohio Bell Telephone Company.

Q. How long have you been located in Massillon?

A. 25 years.

Q. Do you remember an occasion in early June of this year in respect to your telephone operations there in Massillon?

A. Yes.

Q. I will ask you to state whether or not you went down to the vicinity of the main office of the Republic Steel Company at any time early in June?

A. Yes, we did.

Q. Do you remember the date?

A. We went down several times, but went through the different plants early in June.

Q. Was there any time when anything happened to your cables?

A. Well, on June 8th, early morning of June 8th the cable leading to the Republic and another plant down there was cut.

MR. LAUTER: I object to that question and move that the answer be stricken on the ground that it is outside the scope of the issues in this case. I don't see how this could possibly be competent, relevant, or material in this case, to show the cables were cut. The issues in this case are framed by the complaint and answer, which sets forth that the respondent company opposed organizing these men, dominated the specifically named organization, that they had discriminatorily discharged and refused to reinstate certain employees. I don't see how it can possibly be relevant to this case.

TRIAL EXAMINER LINDSAY: Well, I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

Q. Now, will you describe the location of the cable leading to the Republic Steel Corporation?

A. The cable was located at Oberlin Road and Cleveland Avenue, a little bit east of Cleveland Avenue and Oberlin Road, cable terminal there.

Q. And what was the character, how was it constructed there?

A. The part that was cut ran underground and up the pole into a box, that was a lead-covered cable.

Q. Can you describe the location of the cut with respect to the surface?

A. It was up pretty high, pretty close to the box, I would say up in the neighborhood of four or five feet up from the ground up on the pole.

Q. Now, at the time you saw that, was there anyone with you?

A. Yes, the plant chief was with me, Mr. Schutts, went to see it.

Q. Who else?

A. Chief of police was along.

Q. That is Chief of Police Switter?

A. Yes.

Q. How did you go down to this location on that morning?

A. Well, when we discovered that the cable was cut early in the morning, we didn't do anything until between 8 and 8:30, Mr. Schutts and I, who was the local plant man, went over to see the Chief and told him what had happened, and he got us in his car and took us down to see Mr. Morton on Cleveland Avenue.

Q. What Mr. Morton is this?

A. Well, it was Mr. Morton, I don't know his initials. He was supposed to be at the head of the CIO organization at that time.

Mr. Morton was not there and we drove over to his residence and he was not there and then we came back to the CIO headquarters, that is the three of us, Mr. Schutts and I and the Chief Switter, and Mr. Morton was there, and the Chief introduced me to Morton and I told him what we wanted and he said he would not permit the Republic cable to be repaired. I also stated that the Enterprise Aluminum Company had stated that they would not operate their plant without telephone service and that they were a union shop and no trouble there, and I then asked permission to repair that cable.

Q. Were there wires to these three shops in this one cable?

A. The two wires primarily and this cable were for the Republic Steel and Enterprise Aluminum.

Q. Yes.

A. He allowed me to repair the Enterprise Aluminum.

He would not permit the Republic. He gave me a permit to one of the men in charge, which allowed our men to string a wire across from where the cable was cut out, to another pole, about six or seven wires I think, to give Enterprise Aluminum Service.

Q. Now, who was there, during this entire conversation?

A. We were at Mr. Morton's do you mean?

Q. Mr. Morton?

A. Mr. Schutts and Chief Switter and myself.

Q. Who is Mr. Schutts?

A. He is the local plant chief. His job is to put the wires—to repair the wires that keep them working, look after trouble, and so on.

Q. Now, were the Republic wires repaired at that time?

A. No.

Q. Do you know how long they were cut, there?

A. They were out, the Republic was out of service approximately a month.

Q. Now, you said something about somebody giving you an order. Who gave you any orders?

A. Mr. Morton gave you an order to have, I suppose, the man that was in charge of the picket line, so that I handed him this order which said in substance—I cannot remember the exact phraseology of it, but something that our men were to be allowed to repair the Enterprise Aluminum Company lines only.

Q. Is that what you did, repair them only?

A. That is what we did, the Enterprise Aluminum—I stated to Mr. Morton that we would not break faith, that is all we would repair, would be the Enterprise Aluminum line.

Q. Was Chief Switter there all through the conversation?

A. Yes.

Q. Did he say anything?

A. No.
MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) Do you know who cut the cable?
A. No, I don't.
MR. LAUTER: That's all.
(Witness excused.)

LORENE DEER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?
A. Lorene Deer.
Q. Where do you reside?
A. 805 Tremont Avenue, S. W., Massillon.
Q. Where are you employed?
A. Republic Steel Corporation.
Q. What department?
A. Payroll department.
Q. Were you employed in the month of May of this year? Were you employed there?
A. Yes, sir.
Q. Do you remember the occasion of the strike?
A. I do.
Q. And you worked there on the 25th of May?
A. I did.
Q. And what happened on the 26th, did you go back to work?
O. I knew that there was a strike but I wanted to work if I could, but I didn't know if the main office was picketed

and I drove down in a car and there were men lined on both sides, and I stopped for the stop light across from the main office and they told me to keep on going, there weren't any patrolmen there that morning, there wouldn't be any accidents, so I went on down and went.

Q. Did you go back any more that day?

A. No, sir.

Q. Now, later on did you go back to work again? If so, when?

A. I was called around 11 o'clock on Thursday night and told to come to work on May 28th on Friday morning.

Q. Who called you?

A. Mr. Angstedt.

Q. And did you go to work on that morning?

A. I did.

Q. How did you proceed to the place of employment that morning?

A. I was told to go down to the bus terminal and there would be two buses there that would leave at ten minutes to 8:00, especially for the employees of Republic to be brought in that morning, and that I should bring nothing with me, only my purse, and that I would go out for lunch that noon.

Q. Yes, now then you went down to the office in one of these buses?

A. Yes, sir.

Q. Now, just describe what took place when you got to the office on that morning?

A. We left the bus terminal downtown at ten minutes of 8:00, got—

MR. LAUTER: Excuse me, I want to object to this line of testimony, renew my objection previously made to the previous witness that preceded this one, on the same line of inquiry.

TRIAL EXAMINER LINDSAY: Your objection is overruled, but Mr. Pontius, it is not hardly neces-

sary to go into each little detail until she got down there.

MR. PONTIUS: No, I don't mean to, except the special bus.

TRIAL EXAMINER LINDSAY: It is not important.

MR. PONTIUS: All right.

Q. What occurred when you got down to the main office?

A. Well, when we got down there there were men standing on the steps with clubs and across the street and along the sidewalk, around the offices, and we got off the bus, had to line up in single file. I did not recognize any of them only Mr. Angstedt happened to be standing inside the door of the office. When they came—there happened to be two women there of foreign descent, they were going through the girls' purses and when they came to me, I don't know whether I looked empty or not, but she said to me, she started feeling all over me and she said, "You could hide something, couldn't you?"

I said, "Yes, I could, but I didn't." And then she turned around to these fellows and she said, "You should have this job." Of course, they laughed about it and then I started on and she said, "I didn't look in your purse." And I opened my purse and she moved the things around in it and said, "All right," and I went on.

And there were two men standing in the door, one of them was—

Q. That is, did you know the men standing at the door?

A. I know their names, because I had heard of them around the mill. Shorty Thomas asked me my name and Whitey Kale had the paper and he marked them off.

Q. Did you know whether or not these men were strikers?

A. I believe they were. They belonged to the C. I. O.,

at least one of them had a C. I. O. banner on his arm and the other one I have seen on the pickets

Then we went on in, worked until 12 o'clock, and we went out for lunch.

Q. Now, you went for lunch, then?

A. Yes, sir.

Q. Did you go back for lunch?

A. The buses came and got us, took us downtown and at ten minutes of 1:00 we went back to the offices.

Q. What happened when you got back then at noon?

A. The two women were there but they didn't feel of us, and they didn't happen to open my purse. Have me open my purse, but they checked off our names and we were allowed to go in and work until 5 o'clock.

Q. Now, do you know Joe Morton?

A. I know him when I see him.

Q. Yes, did you see him that day?

A. Not that day, but the next.

Q. That is, you went back then the next day?

A. On Saturday morning, yes, sir.

Q. The 29th?

A. Yes, sir.

Q. Did you see him there the 29th?

A. Yes, sir, that morning we got off of the bus, the two women were not there, but the two men that checked off our names were. The pickets rushed up around us just as they had before, but Joe Morton told them to get back on the picket line where they belonged, and they went back.

Q. Did you go out that day for lunch?

A. Yes, sir.

Q. In the same manner?

A. And back at noon.

Q. And did you come back that afternoon then?

A. Yes, sir.

Q. Did you see Joe Morton there that afternoon?

A. Not that afternoon.

Q. Now, then, did you come back another day?

A. We didn't work on Monday because the 30th was on Sunday, and Monday was a holiday. We went back Tuesday morning, got back in the same manner.

Q. In the same manner, and did you see Joe Morton there that day?

A. Not in the morning, but when they came out at noon, we came out, we had to come out in single file so that they could count us, and Joe Morton was there standing, I happened to be the first one out. Joe Morton was out standing there talking to the bus driver when I got out there. He said to the bus driver, "You wait a few minutes." And after we were all out he went up and talked to Mr. Angstedt and Mr. Kocher.

Q. Did you hear the conversation?

A. I did not.

Q. Now, with respect to your other girls in the buses, were they all, to your knowledge, treated about the same way you were treated there? That you saw?

A. I know part of them were, yes, sir.

Q. On each occasion during the strike, during the time you worked there, as you entered the office, have you detailed what took place fully as to the manner in which you were permitted to go in?

A. Yes, sir.

Q. Now, did you go back to work then after that at any time?

A. After we were in the bus and he had told the bus driver to wait, Joe Morton came out to the bus and he said, "That is all, you don't need to come back any more." And somebody said "Why?" And he said due to the attitude that was taken towards their workers in Chicago. That was after the riot up there on Memorial Day in Chicago.

And we had left our coats and glasses and other things —hats in there, because we did not take them downtown

to lunch with us, and we asked if we could go back in and get them and he said—

Q. This was noon, wasn't it?

A. Yes, Tuesday noon.

Q. Yes.

A. And he said no, but one of the girls said she had to have her coat and hat and he permitted a few of us to go back and get the things that we had left in there, we were counted when we went in and we were counted when we came out.

Q. Who counted you?

A. Whitey Kale.

MR. PONTIUS: I guess that's all.

Cross Examination

Q. (By Mr. Lauter) How long have you worked in the payroll division?

A. Almost three years.

Q. And do you know what Mr. Angstedt's position is?

A. Mr. Angstedt is in charge of the accounting department.

Q. Did Mr. Angstedt call you on May 27th?

A. Yes, sir, on Thursday night.

Q. Tell me what the conversation was that you had with Mr. Angstedt?

A. That I was to come into work on May 27th and to take the bus from the bus terminal downtown at ten minutes of 8:00 on Friday morning and to bring only my purse as I would go out for lunch.

Q. Did he tell you whether or not any others were to meet there?

A. No, but I took it for granted because we were to make up the payroll.

TRIAL EXAMINER LINDSAY: Well, never mind what you took for granted.

Q. Did you say anything to him during that conversation over the telephone on May 27th?

A. You mean in regards to any one else going?

Q. No, tell me everything that you said to Mr. Angstedt when he called you?

A. It was a very short conversation, that is all I said, I said I would be there.

Q. You said you would be there?

A. Yes, sir.

Q. Now, were you on the same bus with Miss Nelson?

A. I don't remember.

Q. You were in one of the two busses that started out together, is that right?

A. Yes, sir. Well, they didn't start together. They, I believe, waited for a street car from Canton to get in, the second bus did.

Q. They waited for a street car from Canton?

A. Canton.

Q. Canton?

A. Yes.

Q. Were you in the bus that waited for the street car from Canton?

A. No, sir. The second bus waited. I was in the first bus.

Q. You went out in the first bus?

A. Yes, sir.

Q. Do you know what workers came in from Canton?

A. No, I don't.

Q. You know that some workers came in from Canton?

A. Yes, sir, because there were a few employed in the main office at Massillon from Canton.

Q. Most of the persons who came in the bus with you were women, is that correct?

A. Yes, sir. I do not know if there were any of the men. I know there were only seven men came in with us

and I do not know whether they were in the same bus with us or not.

Q. Was that the same bus that took you out for lunch?

A. Yes, sir. I don't know if it was the particular bus but I know it was the City bus.

Q. Did you notice the driver in the bus?

A. No, I didn't pay any attention.

Q. Did that bus wait at the building to take you out for lunch?

A. No. We always waited until the bus came and they told us when the bus was there.

Q. You were not afraid physically of the men with clubs in their hands, were you?

A. Well, I was afraid enough to open my purse and let them maul all over me. If I hadn't been afraid, I would not have done that.

Q. That did not prevent you from coming back to work again, did it?

A. No, sir.

Q. You knew the strike was on when you came back to work?

A. I did.

Q. That did not stop you from coming back to work?

A. No, sir.

MR. LAUTER: That is all.

(Witness excused.)

EDWARD GRANT

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Edward Grant.

Q. Where do you live?
A. 321 Earl Road, Massillon.
Q. What is your business?
A. My work?
Q. Yes.
A. I am on the labor gang.
Q. How long have you worked for Republic?
A. Little better than 12 years.
Q. At what plant do you work?
A. Massillon plant of Republic.
Q. Do you know Forrest Ramsay?
A. Yes, sir.
Q. Do you know Clarence Everett?
A. Yes, sir.
Q. Do they belong to the C. I. O., do you know?
A. I was not certain but the way they was going after me, I thought they did.

TRIAL EXAMINER LINDSAY: That last is stricken from the record.

Q. Did you see them on June 29th last?
A. Yes.
Q. Where did you see them?
A. At X corner.
Q. What took place?
A. So I went into the saloon to pay a little bill I owed and these two men were in there drunk and I called for a drink and just as I was going to lift the drink up to drink it, this one man, Clarence Everett, got ahold of my coat and pulled me outside and the other man followed, and the other man said, "Why don't you belong to the C. I. O.?" I said, "Because I am minding my own business." Then he called me all sorts of names.

MR. LAUTER: Just a minute. I want to object to the testimony of this witness. Apparently this instance has taken place outside the mill, is unrelated to any of the issues in this case.

TRIAL EXAMINER LINDSAY: I will overrule the objection.

Q. (By Mr. Day) Go ahead and talk a little louder, please. There is thunder outside.

A. Why, I was in there, they pulled me up on the lapel of the coat, this Clarence Everett and Ramsay came out after him and they wanted to know if I would belong to the C. I. O. and I told them I was minding my own business and went across the road, I was going to get into my car first, and he said, "You are not going to get your car."

Q. Was anybody in your car?

A. Sir?

Q. Was anybody in your car?

A. No. But I went across the road and with that Ramsay ran after me and struck the side of my head and it made me dizzy, I went to the floor and I couldn't—my wife came over, my wife was there at the time and she helped me up from the floor.

Q. The floor of what?

A. The cement on the sidewalk.

Q. Then did you go home?

A. No, they still would not let me go home. I had to send a young fellow after my car.

Q. Did he get your car?

A. He got my car and brought it around.

Q. When did you get home?

A. I went straight home.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) Do you work at the Massillon plant?

A. Pardon?

Q. Do you work at the Massillon plant?

A. Yes, sir.
Q. Do you work in the labor gang?
A. Yes, sir.
Q. What are your hours in the labor gang?
A. Eight hours.
Q. What is your turn?
A. My turn?
Q. Yes.
A. 7 to 3 o'clock this week.
Q. 7 to 3?
A. Yes.
Q. And you testified about a conversation you had on June 29th. Have you stated fully what happened on that date?
A. Exactly.
Q. A man named Everett and a man named Ramsay, who were drunk, asked you if you belonged to the C. I. O.?
A. Yes.
Q. Is that the only mention there was of C. I. O. at that time? What else was said about C. I. O.?
A. They only asked me if I want to belong to it and I said no, I was minding my own business.
Q. That was all that was said about the C. I. O.?
A. That was all that was said about the C. I. O. Then they wanted to beat me up.
Q. Were you sober at the time?
A. I was perfectly sober. In fact, I never had time to touch the beer that I bought.
Q. Did you go in to pay a little bill?
A. Yes.
Q. A little bill you owed at the saloon?
A. Yes.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. DAY: Mr. Keen.

FRED H. KEEN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Fred H. Keen.

Q. Where do you live?

A. 745 Oberlin Street, Massillon.

Q. What is your business?

A. I am a manipulator on the blooming mill at the Republic Steel.

Q. How long have you worked there?

A. About 17 years.

Q. Do you recall the fact that a strike was called at the Republic plant the 25th of last May?

A. Very much so, yes, sir.

Q. When did you next go back to work or did you go back to work after that?

A. After my attempt to get back in the mill on the night of the strike, I did not go back for at least a month and a half. I just don't know the date.

Q. Did you go down to the mill the night of the strike?

A. Yes, sir.

Q. How did you go down there?

A. I went down on the bus.

Q. What gate did you go to?

A. I go in on No. 1 gate.

Q. Just tell us what happened.

A. Well, we were coming across the railroad bridge, a man jumped on the bus and said, "Anybody for the mill?" I asked him what he cared and he jumped off. Well, we come down to the next gate, we left the Enterprise employees off but none of the mill men got off. The next gate we come to I was the only man to get off the bus. I had heard that they had a picket line up and I got off of the bus. There was quite an opening there in the picket

line and I was going to go into the miil and I got just about to the gate and a big fellow stepped in front of me, he could not talk English. He said, "You try to go in this picket line?" I didn't pay any attention to him and I tried to walk around him. I was going in anyhow if possible and about that time there was four or five of them grabbed ahold of me and turned me around and started me towards the bus and picked me up and threw me into the bus. I turned around and I said, "A nice bunch of fellows. You cannot even talk to them." I had no alternative. I got into the bus and went up town.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) How long did you say you have been working for Republic?

A. 17 years on this job.

Q. What kind of work do you do?

A. Manipulator on the blooming mill.

Q. Do you get paid on an hourly rate?

A. Hourly and time.

Q. When did you say you first tried to get into the mill?

A. The night that they showed the picket line up, I think it was the 25th.

Q. When was the next time you tried to get into the mill?

A. When I was told that they were going to go to work.

Q. What date was that?

A. About a month and a half, maybe a little longer.

Q. Was that directly after the mill was opened?

A. No. They had to get the open hearth started before they could start the blooming mill.

Q. Anyone ask you to come back to work?

A. Well, they told me I was supposed to come out, and I was willing.

Q. Who told you you were supposed to come out?

A. Why, the foreman.

Q. What is his name?

A. Immell.

Q. Is that his last name?

A. That is his last name.

Q. Do you mind spelling that for us?

A. I-m-m-e-l-l.

Q. When did he get in touch with you?

A. Well, he was a friend of mine and I was in touch with him all during the strike.

Q. Did you go out the first time he told you to go out to the plant?

A. Yes, sir, I was very anxious.

Q. When did he first suggest to you that you ought to come back to the plant?

A. He didn't say I ought to come back. He told me they were ready to go and I went.

Q. Where did this conversation take place?

A. I believe it was over the telephone.

Q. Did he call you?

A. He called me.

Q. What time of the day was that, do you remember?

A. I believe it was around 3 o'clock in the afternoon. He told me to come out, they were going to change the mill and get ready to start rolling.

Q. Told you to come out?

A. Yes.

Q. When you say "come out," you mean come to work, is that right?

A. Right.

Q. Suppose you tell us the entire conversation over the telephone.

A. Well, there wasn't much conversation to it. They

said they was going to change rolls the next day and that was all that was necessary for me. I was ready.

Q. He was a good friend of yours?

A. Yes, sir.

Q. How soon after the telephone conversation did you go to the plant?

A. The next morning.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. DAY: Mr. Lynch.

ROBERT LYNCH

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. Robert Lynch.

Q. Where do you live?

A. 363 Bellflower, Northwest, in Canton.

Q. What is your business?

A. I work at Republic.

Q. In what capacity?

A. Foreman part time and metallurgist part time.

Q. How long have you worked for Republic?

A. 13 years.

Q. At the time of the strike were you in the mill? Or were you outside?

A. I was in the mill.

Q. How long did you stay there?

A. I stayed there until June the 4th.

Q. Then did you leave?

A. I left.

Q. By what method did you leave?

A. I drove my car out.

Q. I wish you would just tell us what happened when you drove out.

A. Well, it was late afternoon, I presume, about 6 o'clock. There was a line of possibly 20, 22 cars lined up to go out. I suppose I was the 7th or 8th car in the line. We moved out very slowly and as we got up to the light at No. 2 gate, the light close to Oberlin Road, all the cars were apparently being stopped. I noticed a car in front of me was stopped and several men got on the running board of the car and what went on, I don't know. I didn't hear anything. I did notice one chap, however, in back of the car with a pencil and paper apparently recording the license number or something from the back of the car in front of me. Then he marked something on the fender of the car in front of me and I drove in position and I was told to lower the windows in my car. I did. I suppose there were four fellows on each side of the car looking in at me. I was questioned as to my name, what I had done and what I had been doing in the mill and how long I was in there.

And then they called for someone to identify me. That took a little while. Apparently they could not find anyone from the Stainless Division. That is where I am foreman. Finally one fellow identified me as working in the office down there. So then they told me to move on slowly and as I moved on, I glanced out the side of my car and noticed a fellow at the back of my car. What he was doing, I don't know. Then as I moved on, they told me they would be around to see me in a day or so and then, amid much booing and profanity, I was spit on and allowed to go ahead very slowly because the people in front of me jammed in front of the car that I could hardly move.

Q. Who spat upon you?

A. The people who were on the side of the car. I

could not identify anybody in the crowd. I drove on across the viaduct, I suppose it was 50 or 60 feet, where I could just move as fast as the people would permit me to get away from the front of the car and went on downtown and got out and made a purchase and I noticed on the left rear fender of my car they had scratched the letters "C. I. O." and on the front on the car, "Scab." I marked that off very quickly and drove on home to Canton.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) You are a foreman at the mill?

A. Part time, yes, sir. That is my job for several years had been foreman at the same division. However I was doing metallurgical contact work in the field, I contacted the customers.

Q. You stayed in the mill on June 4th?

A. Yes.

Q. You were one of the series of cars that drove out of the plant?

A. Yes, sir, I would say 20 or 22 cars.

Q. What number were you in line?

A. My judgment tells me about the seventh or eighth.

Q. Now at what point did you open the window of your car?

A. I had a coach, I opened the ventilator and the window of my car. The rest of the windows I opened while I was stationed there during the questioning.

Q. Well, your windows were open?

A. The left window.

Q. Just the left window where you were driving?

A. Yes. That is where the questioning was being done.

Q. The other windows were closed?

A. No.

Q. You opened it?

A. I was asked to open it.

Q. As you came driving out of the plant, before you had this conversation, was the window that was at your left open or closed?

A. It was open all the while.

Q. It was open all the while?

A. Yes, sir.

Q. Did you close that window later on?

A. No, sir.

Q. Did you have that window open?

A. I always drive with that window open all the time.

Q. How far open was it?

A. Clear down to the sill.

Q. Did you at any time get out of the car?

A. Not until I got downtown.

Q. Who were some of the other foremen in your division?

A. In the Stainless?

Q. Yes.

A. Ashbacher, Mr. Gray, Mr. Letcavits, Mr. Staugh.

Q. Do you know whether any of those foremen took around Back-to-Work petitions?

A. Not to my knowledge.

Q. Did you take any around?

A. No, sir.

Q. Did you ask any of the men to go back to work at the plant?

A. No, sir.

Q. Did you have men working underneath you?

A. Yes, sir.

Q. How many?

A. Well, of course, in this department there is about 356 employees.

Q. Did you have any contact with any particular group?

A. Only from development standpoint.

Q. Did you ever call any of these men on the telephone?

A. No.

(Witness excused.)

LOCKLAND BELL

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. Lockland Bell.

Q. Where do you live?

A. 232 Edmund Street, Massillon.

Q. What is your business?

A. Superintendent of the Bricklayers Department.

Q. How long have you worked for Republic?

A. 18 years.

Q. That is all the Republic?

A. That is Central Steel and Republic.

Q. I want to call your attention to an incident that occurred on May 26th, 1927, [1937] where were you about the hour of 12:15 A. M, 12:15 noon?

A. Well, in the evening I was up town. A friend of mine told me, "I see that they have got the mill surrounded."

Q. This is midnight?

A. Yes.

Q. I said noon, I was wrong.

A. I was in the mill.

Q. You worked in the mill that day?

A. Yes.

Q. What happened that day?

A. I worked in the mill until about 6:30 that eve-

ning. I went out and came home for supper and stayed home until about 10 o'clock. I went on up town and a friend of mine said they were getting the mill surrounded and I said, "What is doing?" He said, "There is a strike on." And I went in and got on the telephone and I called Mr. McConnell, who is my night manager there. He told me, he said, "I just couldn't get you." I said, "Well, I am coming down. I will drive around the blast furnace road and I will come on in." As I was a department head, I thought my place was in the mill where there was work to be done such as taking care of the open hearth furnaces, so I went on down there and I got about a hundred yards on the Company grounds—

Q. How did you get down, drive in your car?

A. I had my wife drive me down in the car. I got about, I would say, about 300 yards from the clock house on the Oberlin Road, I guess it is.

Q. Was your wife with you then?

A. Yes.

Q. Who was driving the car?

A. I was driving the car.

Q. Did your wife go with you?

A. Yes.

Q. All right, go ahead.

A. I stopped the car and I got out. My wife took my seat and she drove on.

Q. Yes.

A. Well, then I got about 100 yards on the company property when two fellows came running across the field. Well, they stopped me and wanted to know where I was going. Well, I told them that I was going to take care of my job, as I had no part of their organization, I had work to do in the plant myself. Well, they said I wasn't going in.

Q. They said you were not going in?

A. They said I wasn't going in. They called me names.

Q. What did they call you?

A. Well, they called me a son-of-a-bitch, for one.

Q. What else?

A. One pulled back his fist, going to make a pass on me. Well, he didn't swing it, he pulled it back. Well, one party he says, "Well," he says, "come on, your wife is gone, now," he says, "I will take you home."

So I got in his car, an old Ford, so he drove down Pigeon Run Road north to Tremont Street, instead of taking me home he swung west and went out approximately about three miles on the Tremont Road.

He says, "This is as far as we are going. This is where you get out."

So he opens the door and just as I step out he took his foot and he gave me a push out of the car. They swung up a side road there and went on. Well, from then, I had to walk home.

Q. Who were those men?

A. One was named Evans, and one by the name of Danner.

Q. CIO men?

A. Yes, they told me that I wasn't helping their cause any by going into the mill, so that automatically distinguished them.

Q. And you say you had to walk home?

A. Yes, I had to walk home from there.

Q. About how far was that?

A. Well, from my home, I would say it is four miles and a half.

Q. What time of the night or morning was it?

A. Well, I got home probably around 2 o'clock.

Q. What?

A. I got home around 2 o'clock in the morning.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) Who were the two men?
A. One by the name of Danner.
Q. Danner?
A. Danner, LeRoy Danner. And the other—
Q. Who was the other?
A. Another one, his name was Evans.
Q. Evans? Where had you seen these men before?
A. Well, one was a bricklayer, he learned his trade—
Q. Which one?
A. This Danner was a bricklayer.
Q. Yes.
A. Then the bricklayer work got slack so he went into the mill. They both worked together on the big mill in the Bliss mill over at the Endura.
Q. Did these men work in your department?
A. My department?
Q. Yes.
A. No, not in my department.
Q. What were you superintendent of?
A. Mason department.
Q. Now, since the strike, have you called up any men to go back to work?
A. Since the strike?
Q. Yes.
A. No, after the strike.
Q. Have you made any telephone calls to any of the employees, telling them to go back to work?
A. With my own department, yes. My own bricklayers.
Q. Tell me the names of the men that you called.
MR. DAY: We object to this.
TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.
MR. DAY: Exception.
A. Well, I called my foreman, Wilbur Wirick.

Q. I am not interested primarily in the names. Let me withdraw that question. Tell me how many of your employees, employed in your division, that you called up?

A. Well, I said I called my foreman, is one.

Q. Yes.

A. And he called to other men, and the rest came back themselves.

Q. You don't know how many men your foreman called, do you?

A. Well, I have got nine bricklayers working there now.

Q. Are they all men under the foreman working in your division?

A. Yes, they are all back.

Q. You called your foreman and your foreman called at least two of them, is that right?

A. Yes, I know that, yes.

Q. While the strike was on, that was?

A. Well, when we were notified to go back to work, when my department head called me to go back to work on July 2nd.

Q. Who is your department head?

A. Mr. McConnell.

Q. And he suggested to you that you ought to call your foreman?

A. Yes.

Q. He did?

A. I called my foreman, and he got the men out.

Q. I am asking you whether or not he suggested that you call your foreman?

A. He told me to get one more man and myself.

Q. And when did this conversation take place?

A. On the night of July 1st.

Q. Where did it take place?

A. Over the telephone.

Q. Did he call you at your home?

A. Yes.

Q. Mr. McConnell?

A. Yes.

Q. Called you at your home?

A. Yes.

Q. Tell the substance of that conversation.

A. He says, "Lock," he says, "there is some work down in the sheet mill to be taken care of," so he says, "get another man and yourself and come on down and pick this up." So I called my night—I called my assistant foreman.

Q. Was that assistant foreman working at that time in the mill?

A. Yes, he went back with me on July 2nd.

Q. He went back with you on July 2nd?

A. July 2nd.

Q. That was after you called him and told him to come back?

A. Yes.

Q. Did you call any of the men in your department?

A. No.

Q. Apart from the foreman?

A. Only the department foreman.

Q. Are there a number of other foreman who work under you, or just one?

A. There is one labor foreman.

Q. Did you suggest to him that he should call his men?

A. No.

Q. Do you know whether or not he did call his men?

A. No, I absolutely know he did not, because the men come in, themselves.

Q. Do you know about these Back-to-Work petitions, have you heard about them?

A. Oh, I have heard conversations about them, I never seen any.

Q. With whom have you had conversations about it?

MR. DAY: I object to this also.

TRIAL EXAMINER LINDSAY: Overruled, let the record show an exception.

MR. DAY: Exception.

A. If you will stand around the corner you will hear him discussing various subjects, but I never seen any myself.

Q. Do you know whether any of the other foremen took around Back-to-Work petitions?

A. No.

MR. LAUTER: That is all.

THE WITNESS: I did not interest myself.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

WILBUR LARKER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Wilbur Larker.

Q. Do you live in Massillon?

A. Yes.

Q. By whom were you employed?

A. Republic Steel Corporation.

Q. In what department?

A. Sheet metallurgical.

Q. At the Massillon plant?

A. At the Massillon plant. I work at the main office.

Q. Were you employed there on the 25th of May, 1937?

A. I was.

Q. Did you attempt to go to work on the morning of the 26th?

A. Yes.

Q. May 26th?

A. May 26th.

Q. Just tell in your own way what occurred on the morning of May 26th.

A. Well, part of the time I took the bus and part of the time I drive. On that particular morning I took the bus and when we got down approaching the main office why the bus stopped at the Cleveland Street entrance to discharge passengers for Enterprise, but we didn't get off. As a general rule we get off at the Cleveland Street corner of Cleveland and Oberlin Road.

Q. Yes.

A. But this morning on account of seeing the pickets around, why we stayed on until the bus went on up into the main entrance, approximately, oh, 25 or 50 yards further on.

Q. Is that your place of employment in the main office?

A. In the main office? Yes, sir.

Q. Yes.

A. And several of us got up and started to get off and there was about, oh, about ten or twelve men on the steps of the office, some of them standing, some sitting, and when the bus stopped, there was three or four came over to the entrance to the bus and made remarks about that there was a strike and the office wasn't working "You don't want to break up the strike" or words to that effect, and the bus driver looked around and just decided to move on, so I went on home.

Q. What did you notice, if anything, about these men?

A. These men on the steps there, well, most of them, the majority of them carried clubs of some kind, sticks or clubs.

Q. Now, did you go back there at any other time?

A. No. No, not in the morning—I drove past several times to see what the situation was, but there was still a

picket line there, I made no attempt to go in, I kept in contact with my foreman.

Q. Were you able to get into the office there at any time?

A. Well, I made no direct attempt to go right in the door. There was always men in front of the office. I took it for granted you couldn't go in.

Q. Now, on your other observations as to the situation down there, what did you observe?

A. Well, at each of the gates, there was a crowd of men, a picket line, barricading both entrances to the plant on Oberlin. There was cars and there was men standing around with clubs, just a general picket line.

MR. PONTIUS: I believe that's all.

Cross Examination

Q. (By Mr. Lauter) What did you say your job was at Republic Steel Corporation?

A. Sheet Metallurgical department.

Q. How long have you worked for Republic Steel Corporation?

A. About eight years.

Q. And that is at the Massillon plant, is that correct?

A. Not all the time at the Massillon plant. Both Canton and Youngstown.

Q. It was on May 26th that you went to work in the bus, is that right?

A. May 26th, morning of the 26th.

Q. And you didn't get into work that day?

A. No.

Q. And you work in the main office of the plant, is that correct?

A. Correct.

Q. After May 26th you made no attempt to get into the main office, is that right?

A. No, I made no direct attempt to go into the office.

Q. You took it for granted that you couldn't get in, is that correct?

A. Yes.

Q. You took it for granted you couldn't get in; why, did you say?

A. Because there was a picket line both in front of the office and at the two main gates. The laboratory is down in the mill. I couldn't have gone down there, there was no picket line, but I couldn't get down there either.

Q. You were not afraid of the men with clubs, were you?

A. Well—

Q. Were you?

A. No, I guess—

Q. I mean you, like all of the girls, the slender girls in the payroll division—you were not afraid of the clubs, were you?

MR. DAY: I object to that question.

A. The old saying, an ounce of prevention—

TRIAL EXAMINER LINDSAY: Objection overruled. They testified to that effect. Let the record show an exception.

MR. DAY: Exception.

Q. (By Mr. Lauter) You kept in contact with your foreman, is that right?

A. Yes, my foreman.

Q. What is your foreman's name?

A. J. H. Crowe.

Q. When was the first time that he called you?

A. I called him. One morning when I got home.

Q. When did you call him?

A. Oh, approximately 8:30, 9 o'clock.

Q. Do you know what date that was?

A. Wednesday the 26th.

Q. That was the day after you found you couldn't get into the plant?

A. That was the morning of that day.

Q. The morning you found you couldn't get into the main office?

A. Yes.

Q. Supposing you tell me the conversation you had with your foreman, Mr. Crowe?

A. I told him I came down on the bus and I noticed the strike was on, they had a picket line and it didn't look like anybody was getting into the mill, so I came back home and I wanted to know what I should do. He said, "There is nothing you can do, just wait for developments."

Q. When is the next time you had a conversation with your foreman?

A. I called him practically every day that he was down there.

Q. How long did you keep calling him?

A. What?

Q. How long did you keep calling him every day?

A. Well, not every day. Just as long as he was down there. Every day or every other day, until sometime in June, I think it was, I don't know the exact date.

Q. Where did you call him?

A. He was down in the mill laboratory.

Q. When did you return to work?

A. With Republic, or at the Massillon office?

Q. Well, have you gone back to work?

A. Yes.

Q. Where are you working now?

A. I am working at the main office at Massillon.

Q. When did you first return to the main office?

A. July 4.

Q. Was that the first time that you actually got into the mill?

A. That is the first time.

Q. Now, between May 26th and July 4th, was that July 4th, you say?

A. July 4th.

Q. July 4th, do you remember what day of the week that was?

A. Sunday.

Q. You went to work on Sunday?

A. About—

Q. What is that?

A. 10 or 11 o'clock in the morning.

Q. Did your foreman suggest to you that you come in at that time?

A. He came after me.

Q. He came after you?

A. He came down, his home is in Cleveland.

Q. His home is in Cleveland?

A. Yes.

Q. Where do you live?

A. I live 414 Wales Street in Massillon.

Q. When did he come and get you?

A. On the morning of July 4th.

Q. Did he tell you before he came there that he was going to come to meet you?

A. Yes, I talked to him by phone.

Q. What did he say?

A. He had gone out of the plant, then, by then, it was the first part of June that most of the men, foremen and everybody went out of the mill, and he went back to his home in Cleveland. At that time the National Guardsmen had—were over in Massillon, he came down to see how the strike was, and stopped at the house and asked me to ride along down with him.

Q. Did he ask any other employees in your department to ride down with him?

A. No, just us two.

Q. You were the only one he asked to ride down with him?

A. Yes.

Q. Did you ever sign a Back-to-Work petition?

A. Yes.

Q. Who approached you to sign the Back-to-Work petition?

A. I can't remember his name right now.

Q. Well, where were you approached to sign the Back-to-Work petition?

A. While I was working over at the temporary office at Canton.

Q. You worked in a temporary office in Canton?

A. Yes.

Q. When did you start working there?

A. The middle of June, I don't know the exact date. It was in the middle—

Q. What were you doing there?

A. Attempting to do what work I could, clerical work, and keep in touch with the things in general. I had no records, though.

Q. Who gave you the petition to sign?

A. Well, this gentleman, I can't remember his name.

Q. Do you know what his position was in the mill?

A. No, he works in the main office building. I don't exactly know what his job is.

Q. Has he a supervisory capacity of any kind?

A. Not to the best of my knowledge.

Q. Did you sign this "Back-to-Work" petition in the mill? Is that correct?

A. In the office, yes.

Q. In the office at Canton?

A. Yes.

Q. When you were doing work there temporarily?

A. Yes.

Q. Your particular work in Canton, who suggested that you go to work in Canton?

A. My foreman.

Q. Is that the same Mr. Crowe?

A. Yes, Mr. Crowe.

Q. And you went to work yourself some time in the middle of June?

A. Approximately the 17th, 18th, yes, the middle of June.

Q. How did you get to work in Canton?

A. I drove over.

Q. You drove your own car?

A. Yes, sir.

Q. Was this Mr. Crowe working there?

A. No, he was not over there at that time.

Q. He did not come out of the mill here in Massilion?

A. Oh, yes, he was out by then.

Q. You don't know where he was working?

A. Yes, I do.

Q. Where was he working?

A. He was up in the Monroe plant.

Q. Were there any employees of the Republic working with you at Canton?

A. Yes.

Q. From the Massillon plant?

A. Oh, yes. Not in my department. They most of them were service department, service and payroll.

Q. Do you know whether or not their foreman spoke to them about coming back to work?

A. No, I don't.

Q. You had no conversation with those men about that?

A. No, I didn't. Our department is separate.

Q. Did they also sign a Back-to-Work petition in the plant, these other men?

A. In the plant?

Q. Wherever you worked, wherever you signed this petition, were there other employees that signed?

A. Other employees signed. I do not know if all of them signed.

Q. You saw other employees sign a Back-to-Work petition in the Canton plant?

MR. DAY: I object.

A. Not in the Canton plant. In these temporary offices.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

We will adjourn at this point until 9:30 tomorrow morning.

(Whereupon, at 4:10 o'clock p. m., September 2, 1937, the hearing in the above-entitled matter was adjourned to 9:30 o'clock a. m., September 3, 1937.)

Courtroom No. 1
Stark County Courthouse
Canton, Ohio
Friday, September 3, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., and Thomas F. Veach, Esq., (Cleveland, Ohio), H. C. Pontius, Esq., (Canton, Ohio).

PROCEEDINGS

STEVE VOJNOVICH

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name?

A. Steve Vojnovich.

Q. Where do you live?

A. 726 Neil Avenue, S. W., Massillon.

Q. In Massillon?

A. Yes.

Q. What is your business?

A. Coal handling foreman, coke plant.

Q. How long have you worked for Republic?

A. The 13th of last month, nine years past.

Q. Were you working in the coke plant when the strike was called last May 25th?

A. I was, six days.

Q. You were there when the strike was called?

A. Yes.

Q. And you stayed there for about six days?

A. Six days.

Q. And then when was it that you left the plant, on what day?

A. 31st of May.

Q. About what time of the day did you leave the plant?

A. It was between 5:30 or 6, I believe, something around there. It was evening, anyway.

Q. How did you leave?

A. Well, I got in my car and went out.

Q. Was anybody riding in your car with you?

A. Was labor foreman with me.

Q. What was his name?

A. Frank Ruhti.

Q. Out of what gate did you go?

A. No. 3.

Q. Was your car the only one, or were there other cars leaving?

A. No, was my car alone then.

Q. Now, what, if anything did you see as you were leaving in your car from the gate?

A. Well, I saw a bunch of fellows out there on the road and cars parked both ways, on the righthand side of the road.

Q. About how many fellows did you see?

A. Oh, at least 25 or 30, I didn't pay no attention.

Q. Were these men that you saw carrying anything?

A. Clubs.

Q. Clubs?

A. Yes.

Q. Then what happened?

A. Well, as soon as I left the gate and left the company property as I got on Main Street why they waved their hands up and say "stop"—holler "Stop."

So I stopped and then they made me back up so many feet, I just couldn't tell you how many feet. So I backed my car back where they want it and then they holler "Open the doors," which I opened, and they put three men in my car on the back end seat.

Q. Was this man that was riding with you on the front seat with you?

A. Yes.

Q. You say three men came into your car in the back seat?

A. Three men came in my car after I opened the doors. That is, they call me for "Open it," then after I got doors open they get in, they push in three men with clubs in his hand.

Q. What did those three men—

A. How is that?

Q. What happened after the three men got in the back of your car?

A. Then they told me—

MR. LAUTER: Just one second. Your Honor, I

object to this testimony on the ground it is incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Your objection is overruled. Let the record show an exception.

MR. LAUTER: Exception.

A. Then they shut the door on the car and they told me which way to go out. There was two cars on the road and I should go through those two cars, then on the left side, to get away from them. They told me to drive down to headquarters.

Q. About how far was the headquarters from where you were when this happened?

A. Well, it could be a mile and a half. I don't know exactly, but it is a little more over a mile anyway.

Q. What happened then?

A. Well, then we rode down, and I thought I am going to turn in on the first road that goes down to Columbia Heights, see?

Q. Yes.

A. And those fellows in the back of the car yelled "Whoa." I said, "What is it?" They says, "You have got to go down another block and then turn in." So I went. I went the way they wanted me to. So we got out, parked the car in front of the office out there, headquarters.

Q. Now "headquarters" you say. What headquarters do you mean?

A. CIO headquarters.

Q. And what street was that located on?

A. That was on Cleveland Avenue.

Q. Now go on, tell us what happened from there?

A. Well, we went in the building, there was about, I don't know, three or four men around the table, you know. They hand me the card, CIO, to sign, which I didn't sign. I said, "I can't sign that, I don't know much about it."

Well, a fellow said, "You got to sign. We will make

you sign." "Well," I says, "Mister, you can't make me sign," I says, "I don't know much about it." I says "I have to study about it."

Finally the other man says, "You can't force him," he says, "that is his free will." Then they took my address, name and address and said that they will come up and see me at home, and told me that if I don't sign in six hours from then, it will cost we $4 to sign.

Q. Yes.

A. So I told them, I says, "I don't care what it costs me, if I think of it, then I find out something about it, then I will pay for it," and they never come up to see me.

Q. Did you ever sign?

A. No, I have got the card in my pocket yet.

Q. Then what happened to you next?

A. Went right home, took the other fellow home and then I went right home.

Q. Did you see anything that happened with regard to the man that went down there, Ruhti or—

A. The man that went down with me?

Q. Yes.

A. No. He signed his card.

Q. He signed the card?

A. Yes. He was reading there and finally he signed.

Q. What if anything was said to him before he signed, do you know?

A. Well, they asked him a question, how many men were in the plant and what they were doing and stuff like that but I didn't even pay no attention to his answer, you know.

Q. How long were you in the C. I. O. headquarters from the time you went in until you went out?

A. Not very long.

Q. Can you give us any idea?

A. I wasn't in there five, ten minutes, I wouldn't say even. It was not long, at all.

MR. DAY: I guess that is all.

Cross Examination

Q. (By Mr. Lauter) Can you identify any of the men who were in the car with you?

A. No.

Q. Can you identify any of the men who were down at the C. I. O. headquarters?

A. No.

Q. Can you identify any of the men in the group of 30 that you stated were outside of the plant?

A. No.

Q. You did not suffer any bodily harm in any way, did you?

A. No.

Q. What is your position?

A. Coal handling foreman in the coke plant.

Q. How many men did you have under you?

A. Four.

Q. Did those men stay in for the same six days with you or did they go out?

A. Well, fourth day, six days and when I got through one got out with me and two left in the plant.

Q. All of them finally came out?

A. Yes.

Q. When did you come back to work in the plant?

A. 6th of July.

Q. Did the four men who worked along with you go back also?

A. Yes, sir.

Q. Did you call them up to go back?

A. Superintendent did.

MR. DAY: I want an objection on the grounds it is not proper cross examination.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

Q. (By Mr. Lauter) Who called them up?

A. Superintendent.

Q. What is his name?

A. M. C. Bowers.

Q. M. C. Bowers?

A. Yes.

Q. Whom did he call up?

A. He went on and tell every man to come out to work.

Q. Did he tell them over the phone or personally?

A. I think it was personally, but I would not say. He came to me personally.

Q. He came to your personally? He told you to come to the plant?

A. Yes.

Q. When did he tell you that personally?

A. On the 5th, I believe.

Q. On the evening of July 5th?

A. Yes.

Q. And he went around to the other four men in your department?

A. Yes. They already have two men on the job by the 5th when I got there because the time they come after me I was not home, around the 4th of July.

Q. Have you seen any of the Back-to-Work petitions?

A. I saw the petition but I didn't sign.

Q. Did you see any of the other boys?

A. No, because I was not interested in that either.

Q. Did you hear whether any of the other four men took around the Back-to-Work petition?

A. In our plant, in the coke plant, because I know they did.

Q. You did not try to get out of the plant on May 25th or May 26th?

A. No.

Q. You wanted to stay in the plant?

A. To help shut down.

Q. Well, you did not only want to help shut down, you stayed there six days?

A. What is that?

Q. It does not take six days to shut down?

A. It does my kind of work.

Q. Where did you sleep while you were in the plant?

A. In the car.

Q. All the six days?

A. Six days.

Q. Were there any cots in the plant?

A. Yes.

Q. Some of the men slept on the cots?

A. Yes.

Q. Were those cots there on May 25th, the first day of the strike?

A. I believe they come in pretty late that night, middle of the night, and I went to bed earlier in the car and I thought I better stay there.

Q. Did you have any firearms or ammunition of any kind?

A. No.

Q. Did any of the employees in the plant have any?

A. I don't know, I wouldn't say.

Q. Do you know whether they did or not?

A. I didn't see any.

Q. You didn't see any?

A. No.

Q. Did anybody tell you that they had any?

A. No.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

ROBERT ADAMS

A witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Robert Adams.

Q. Where do you live?

A. I live 1109 Fourth Street, West, Massillon, Ohio.

Q. What is your business?

A. Plasterer.

Q. Do you have any connection with the Republic Steel in any way?

A. I don't, no.

Q. How long have you lived in Massillon?

A. Since 1928.

Q. Now, do you know where Cleveland Avenue in Massillon is located?

A. Yes, sir.

Q. What direction does Cleveland Avenue run?

A. Why, north and south.

Q. What is the street running north and south next west of Cleveland Avenue?

A. Fourth Street.

Q. And that is the street you live on?

A. Yes.

Q. Do you know where the Republic main office is there?

A. Yes.

Q. About how far is your home from that main office?

A. Straight down the street about, I would say, about two blocks.

Q. And do you know where Oberlin Road is?

A. Yes, sir.

Q. That is Oberlin Road runs what direction?

A. East and west.

Q. What is the name of the street north of Oberlin Road running east and west, the first street north?

A. Cleveland Avenue.

Q. No, the street that runs the same direction that Oberlin Road runs?

A. McKinley.

Q. And the street north of McKinley that runs east and west, what is the name of that street?

A. Isabelle.

Q. Now you have said you lived on Fourth Street. Where, with respect to Isabelle Street, is your property?

A. I live on the corner of Isabelle and Fourth Street.

Q. Do you know a man by the name of Mark Turkey?

A. I know him when I see him.

Q. Do you know where he lives?

A. Yes.

Q. Where does he live?

A. He lives north of me on the east side of the street.

Q. That is the same street that you live on?

A. On Fourth Street.

Q. And about how far from your home does he live on the east?

A. 150 feet I should say, more or less.

Q. You live on the corner of Isabelle and Fourth, which corner do you live on?

A. I live on the northwest corner.

Q. So that your home is on the west side of the street?

A. Yes.

Q. Turkey's home is on the east side of the street a little further north?

A. Yes.

Q. All right. Now, do you have a daughter, Mr. Adams?

A. I have four daughters.

Q. Have you a daughter living near the Turkey home?

A. Just north, the next door.

Q. The next door north of the Turkey home?

A. Yes.

Q. I will ask you to state whether or not you were at her home on July 11th at any time.

A. Well, she came over to me.

TRIAL EXAMINER LINDSAY: Wait a minute. Were you at her home?

THE WITNESS: Yes.

Q. (By Mr. Pontius) About what time was it that you were there at her home?

A. I don't know just the exact time but some time after 6 o'clock.

Q. In the morning or evening?

A. Evening.

Q. And what if anything did you notice with respect to any people being there at the Turkey home when you were there?

A. I didn't get you clear on that.

Q. Did you observe whether or not there were any people there at the Turkey home?

A. Yes, there was, on the porch.

Q. What porch?

A. On Turkey's porch.

Q. Where is that porch, what part of the house?

A. On the west side of the—the front porch is on the west side of the house.

Q. How many men were there at that time, would you say?

A. I didn't count them but five or six, maybe seven.

Q. What if anything did you observe with respect to any car being there in front of that house?

A. Yes.

Q. Do you know the license number of the car that was in front of the house?

A. Yes, sir.

Q. I wish you would state the license number of that car.

A. N 740 Y.

Q. Did you know any of the men that you saw there on the front porch of Turkey's home?

A. Three of them that I know their face. I know Mr. Turkey and another fellow I could identify. I don't know his name, and a big red-headed fellow.

Q. You say you know Mr. Turkey was there?

A. Yes.

Q. Did you see this car go away at any time, the car that was there in front of the house?

A. No, I went downtown before this car left there.

Q. You went downtown?

A. Yes, before it left the street.

Q. I see. Well, do you know—

MR. LAUTER: One second, I move the answer be stricken. No knowledge on the part of this witness that the car left there.

MR. PONTIUS: No.

MR. LAUTER: Purely conjectural on his part.

TRIAL EXAMINER LINDSAY: Yes, that is stricken from the record.

Q. Do you know where Mark Turkey was employed prior to the strike?

A. Do I know what?

Q. Where he was working prior to the strike?

A. Before the strike?

Q. Yes.

A. I don't know definitely, but I heard he worked in the Republic Steel.

Q. Now, you have referred to someone there as "Red". Can you describe this man further?

A. He was a big—bigger man than I am, he is tall

and heavy set and he wore glasses, red or sandy hair, I don't know whether you call it red or sandy.

Q. Now, did you hear any conversation there between these men on the front porch at Turkey's home?

A. I did.

MR. LAUTER: I would like to have the time of this conversation fixed.

MR. PONTIUS: We will do it.

Q. About what time of the day was it?

A. It was between 6 and 7 o'clock.

Q. Whereabouts were you, at your daughter's house there?

A. Well, I was on the south side of the house.

Q. Now, I ask you, Mr. Adams, to relate the conversation that you heard between these men?

A. The conversation was that they were just—

MR. LAUTER: Just one second. I want to object to this conversation as incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

MR. LAUTER: Exception.

A. This American man was telling Turkey, this red headed fellow was telling Turkey to get their men out and keep them out of the mill down there. He says, "You keep your men out and we'll keep ours out." I was behind, below the porch, and I stepped up to look, and he said—I heard Mr. Turkey said, "Well, I will never be out." He said, "You get yours out." He said, "We will get ours out," he says, "but I feel"—he said, "I feel sorry"—this American fellow said, "I feel sorry for the colored fellow, but the damn niggers have got it coming to them. If they get killed they will just have to take it." So I listened a little further, the whole talk was keeping the men from going in the mill that night. It drifted from one thing to another, there wasn't many in, most of them were young

fellows, wasn't regular employees and it would be hard for them to keep the regular men out because there wasn't many in there.

TRIAL EXAMINER LINDSAY: Now, "they weren't regular employees" from there on—

MR. LAUTER: I move that everything after the "whole talk" be stricken on the ground that it was purely a conclusion of the witness, not a statement of conversation.

TRIAL EXAMINER LINDSAY: That may go out of the record.

(The answer was read by the Reporter.)

Q. (By Mr. Pontius) Was anything further said in that conversation that you recall?

A. No, there was nothing further, outside of what I have already stated in that conversation, when they were talking about other things, I listened—

Q. Talk out louder so we can hear.

A. After talking, they started talking about other things, I left and went back home.

TRIAL EXAMINER LINDSAY: Off the record.

TRIAL EXAMINER LINDSAY: Strike that all from the record.

MR. PONTIUS: Yes, that may go out.

TRIAL EXAMINER LINDSAY: Up to where he said, "I left"—and from there on just strike that out.

Q. Now, you say you went down the street, did you come home then later?

A. I come home about 8:30.

Q. And did you hear any commotion down—or shooting or any noise down below you that night?

MR. LAUTER: May it please the Examiner, I have been very lenient, made no objections to leading questions. There has been a series of them.

TRIAL EXAMINER LINDSAY: I will sustain the objection to that question because it is leading.

MR. PONTIUS: I wanted to shorten it up?

Q. What, if anything, did you hear, then, when you were at home that night?

A. Well, I heard a lot of things after I come home around 9 o'clock, half past 8 or quarter to 9:00, and my daughter told me—

Q. We don't ask for you to say what your daughter told you.

A. While I was sitting—I was sitting on my steps, a fellow come, picked up some stones, carried them across Fourth Street. He carried these stones across from my house on Isabelle, carried them across Fourth Street, on the other side of Isabelle, on the west side of Isabelle Street and carried the stones there and made a pile.

There was a fellow come back, he asked me, "What is that fellow doing?" I says, "I don't know," I says, "I heard on account of my son working at Republic Steel they were going to do something to my house."

Well, he piled the stones there; he said, "I would not be afraid." I said, "I am not." He went on to the lower corner of Isabelle and Cleveland Avenue, they met another fellow, they both piled stones down there. I sat there and watched them. Then they went down—

Q. What time of night was that?

A. Around 9 o'clock.

MR. LAUTER: Just one second. That last answer, I want everything stricken—I move that everything be stricken after "I heard." There has been no identification of who told this man. It is not a reportable conversation. He said, "I heard that my son works in the Republic mill," something on that effect.

TRIAL EXAMINER LINDSAY: I will have that stricken unless they show who told that.

MR. LAUTER: May I have that last answer read back, please, Mr. Reporter?

(The last answer was read by the Reporter.)

MR. LAUTER: I move that the entire answer be stricken on the ground that reference is had to two people that have not been identified, and there is reported a conversation about which we heard nothing at all.

TRIAL EXAMINER LINDSAY: I will have that stricken out of the record, the whole answer.

MR. PONTIUS: I want to most respectfully—

TRIAL EXAMINER LINDSAY: Let the record show an exception.

Q. What, if anything, did you see any men doing in that vicinity around that evening after you got home from downtown? What did you see anybody doing there after you got back home from downtown?

A. 11 o'clock—

Q. No, before that, earlier than that, I mean? What did you see them doing?

A. Nothing before 11 o'clock, I didn't see them do anything, but that one particular thing.

Q. What?

A. I didn't see them do anything before 11 o'clock, or after, but what I have stated about piling stones.

Q. Yes.

TRIAL EXAMINER LINDSAY: That "piling stones" is stricken from the record, Mr. Pontius, unless you will show some connection there, don't go into that any further about piling stones.

MR. PONTIUS: Very well.

Q. How long did you remain at home?

A. I remained at home all night.

Q. Now, what, if anything, did you observe around 11 o'clock that night?

A. Well, after the shooting started down there my children got nervous and I was on the step and we went into the house and my youngest daughter told me she

wasn't going to stay there, so I went into the house, turned out the lights and went upstairs, and after the first shooting was over, a bunch came up Isabelle Street from down there, a car came up around the corner and stopped and they got out and my neighbor hollered and asked, "What is going on down there?" One fellow says, "They are having Hell down there," He says, "Anybody hurt?" He says, "Yes, we killed two of them damn city cops." He said, "How do you know?" He said, "We saw them fall."

So this other fellow got out of the car and he walked up to another fellow and says, "You fellows are from Canton, aren't you?" He said, "Yes." "Well, you had better get the hell out of here before they get up here," and another fellow, a little heavy set fellow said, "Is that thing in the car?" He said, "Yes."

"Well," he says, "you had better get it out of here because they are liable to break through up here any time."

And the fellow in the car got out and he says, "Did you see Joe?" He said, "No."

"Well," he says, "we ought to find Joe." They did not call no last name, and my daughter was asking me, I says, "Who is that fellow, doing the talking?" She says, "I don't know."

I says, "Who is the fellow got out of the machine?" She says, "Tony Demando." That is the only one I know.

Q. About how long did that car remain there across the street from you?

A. Oh, maybe 10 minutes.

Q. Now, what, if anything did you notice about the Mark Turkey home after that night?

A. I know this, the men was on the porch.

Q. What?

A. They were on the porch, on their porch.

Q. Did you see any officers up about there that night?

A. A good while or maybe an hour or hour and a half

after everything had stopped down there, why the National Guards and deputy sheriffs came up that street. They stopped cars, they searched them, and there was a fellow between my house and the next one standing in back, and the National Guard took him out of there.

And they went from there over to a place on this side of Mark Turkey, and then from there they went into Mark Turkey's. I think next they were on the porch at the time, so they went in the house next door to Turkey's, this was a business place next door to Turkey's.

Q. Which side of Turkey's house?

A. On the south side.

Q. What, if anything, did you notice when these officers went into this business place south of Turkey's, what did you see?

A. Well, I was looking out of my window, I saw this fellow standing in this place with the lights out, and they saw him in there, they had him open the door, they went in and talked to him.

TRIAL EXAMINER LINDSAY: I didn't understand, did you say the lights were out?

THE WITNESS: The lights were out. The lights were out in this business place, you know, all but the night light, and he was standing there with a white shirt on between his windows, and the National Guard, when he came out and asked this fellow to come out between my house and the next house, he told this fellow standing over there, you see, and he called these other officers down the street and they came up, and they said something to him, and they all went over to this business place.

Q. Now, this place, that is the place just south of Turkey's?

A. South of Turkey's.

(The last answer was read by the Reporter.)

Q. Have you told us what you observed with respect to the Turkey house, where these men went to this busi-

ness place, these officers went to the business place.

A. After the officers went over to the business place the men left Turkey's place and went in the house. When the officers came out of the business place and went in Mr. Turkey's, when they came out they had Mr. Turkey and some of the other men with them.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) Where do you work, Mr. Adams?

A. Plasterer.

Q. Your son works in the mill?

A. I have one son working in the mill, yes, sir.

Q. Did he work all during the strike?

A. No.

Q. Is he a C. I. O. member?

A. No, he is not a C. I. O. member.

Q. Did he work at all during the strike?

A. He went to work I don't know exactly when he went back to work.

Q. Did he work at all during the strike?

A. He went back on his job when his department started up and the mill went back to work, he went back to work.

Q. Do you know whether the strike is still on?

A. It is still on.

Q. And he is back there working now?

A. Yes.

Q. What time did you go downtown?

A. I got downtown I think sometime after 7 o'clock. I got a ride downtown a little bit after I left the house.

Q. What is that?

A. I got a ride downtown just a little after I left the house. I was downtown a little after 7 o'clock.

Q. Before you went downtown you saw five or six or maybe seven men on Mr. Turkey's porch?

A. Yes.

Q. Do you know whether or not Mr. Turkey has any roomers in his house?

A. He has.

Q. Do you know whether the men who were standing on the porch were roomers or boarders in his house?

A. Some of them may have been.

Q. Some of them may have been. Do you know any standing on the porch who were not boarders or roomers?

A. Yes.

Q. Do you know the names of them?

A. This red-headed fellow, the American fellow, does not room there.

Q. What time did you come back downtown?

A. I left downtown on the five minute after 8 bus.

Q. What time did you get back to your house?

A. Quarter of 9 or something like that.

Q. Then you went over and stood on your daughter's house?

A. I didn't understand you.

Q. Where did you go when you came back?

A. I went home.

Q. Your own house?

A. Yes.

Q. Where were you when you heard somebody say they killed two damn City cops?

A. In my upstairs window.

Q. Where were the men that were saying that?

A. Across the street.

Q. How many men were there?

A. I suppose 15 or 20 men had come up there.

Q. Do you know who those men were?

A. What?

Q. Do you know who those men were?

A. Not personally I don't.

Q. You had never seen them before?

A. I seen some of them before.

Q. Do you know where they live, who they are?

A. Some of them I know where they live.

Q. Do you know whether any City cops were killed on July 11th?

A. No, I don't.

Q. You don't know there were none killed?

A. What?

Q. Do you know that there were none killed?

A. Yes, I know there was none killed.

Q. About what time did the National Guard come to that street to start searching the houses?

A. When the National Guard came up on Fourth Street it was after 1 o'clock.

Q. Where were you at that time?

A. Laying across the bed by the window upstairs.

Q. How long were you sitting at that window watching?

A. I had reason to stay there as long as I did.

Q. What were the reasons?

A. That evening before they told my daughter not to stay at her house or my house because it would be too bad for the people that lived there, that is the reason I kept looking out on the street from that time until the thing quit.

Q. Did you see any C. I. O. men come up there and create any disturbance?

A. No, the C. I. O. men did not create any disturbance.

Q. Did you see any disturbance in this business house that you are talking about?

A. No.

Q. Did you see any disturbance in Mr. Turkey's house?

A. No.

Q. Did you see any deputy sheriffs come into Mr. Turkey's house?

A. I saw the deputy sheriffs and the National Guard when I went over there.

Q. Did you see them kick in the front door?

A. Well—

Q. Did you see them force the front door?

A. I don't think the front door was forced.

Q. What happened there?

A. I think they opened the door.

Q. They opened the door and went in?

A. I think somebody inside opened the door.

Q. How about this business place, did you see the deputy sheriff go in there?

A. Yes.

Q. What other houses did you see the deputy sheriffs go in?

A. They went in another place across the street after they came out from Turkey's.

Q. Did you see them take some people out of these houses?

A. They took one fellow out across the street from me.

Q. Was he creating any disturbance?

A. He was in the house when they got him.

Q. What is that?

A. He was in the house when they got him.

Q. Did you see them leave several men out at Mr. Turkey's house?

A. Yes.

Q. Did you notice whether they were partially dressed?

A. No, I didn't. I think one fellow did not have no hat on or no shirt.

Q. Did you notice that some of them did not have any shoes on?

A. No, I didn't notice that.

Q. Some of them did not have their socks on, did you notice that?

A. No.

Q. About how many men did you see led down the street from these various houses?

A. I don't know, I couldn't say how many. The cars kept coming in there and I would hear them ask them if they belonged to the C. I. O. They would say yes, some would say they were from Canton and they asked them what they were doing as they would come up the street.

Q. Mr. Turkey does not come from Canton?

A. No.

Q. The roomers in his house do not come from Canton? Do they?

A. No.

Q. They took them out, didn't they?

A. Yes.

Q. They took them out?

A. Yes.

Q. Did you hear them ask them if they were C. I. O. men?

A. I was too far away.

Q. Do you know any of the special deputies that came in the house on Fourth Street?

MR. PONTIUS: I object to that. There is no testimony the deputies went in the houses.

TRIAL EXAMINER LINDSAY: This is cross-examination. You had that privilege and I am allowing it both ways. Objection overruled and let the record show an exception.

A. The only one special policeman I knew and that was one Shimke.

Q. What is that name?

A. Shimke, a boy that went to school with my boy.

Q. Let us have that name once more.

A. Shimke, the rest were National Guards, deputy sheriffs.

Q. What did Mr. Simpkins do, what did you see him do?

MR. PONTIUS: Pardon me. Let us get the name correct. He is a deputy sheriff, Shimke. He will be a witness here.

MR. LAUTER: What is the name?

MR. PONTIUS: S-h-i-m-k-e.

Q. What did Mr. Shimke do?

A. He was with the rest of the officers, National Guards and deputy sheriffs.

Q. Do you know a man by the name of Mr. Henderson?

A. Yes.

Q. Did you see him up there that night?

A. Yes. I didn't know Henderson, I didn't know Henderson until about a week after. My wife goes to Cleveland Avenue to catch the car—

TRIAL EXAMINER LINDSAY: Well, never mind about your wife.

A. I asked—

TRIAL EXAMINER LINDSAY: Just a minute. I said leave your wife out of it.

A. I went out Cleveland Avenue to the police line to get authority from someone to let my wife through there to catch the car, and that is when I knew Mr. Henderson.

Q. Did you hear whether or not he had been up around that section that night?

A. If he was dressed the way he was dressed that day, he was not up there.

Q. He was not up as far as your house?

A. Not as far as my house.

Q. After they took these men out of the house, where did they take them, did you notice?

A. Down below there, the National Guard truck came up and loaded them in.

Q. Well, they loaded them in there, is that right?

A. Yes.

Q. Did you see any of the special deputies or deputy sheriffs or National Guards break into any houses, break in any of the doors, force open the doors?

A. I was not out of my house when they were up there.

Q. I know. I am asking you whether or not you saw that.

A. Why, no, they didn't break in any doors.

Q. They did not break in any doors?

A. They pounded on the doors and somebody opened them.

Q. Were these men armed?

A. They were armed, I suppose.

Q. As far as you could see there was no disturbance created by any of the people living in those houses, is that correct?

A. No.

Q. That is correct?

A. That is correct.

(Witness excused.)

MR. DAY: Mr. Davies.

EDWARD W. DAVIES

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?

A. Edward W. Davies, D-a-v-i-e-s.

Q. Where do you live?

A. Massillon.

Q. How long have you lived in Massillon?

A. A great many years. I was born there.

Q. What is your business?

A. I am with the First Savings & Loan Company.

Q. Have you any connection with Republic at all?

A. With what?

Q. Republic Steel?

A. None whatever.

Q. I will ask you if you recall attending a meeting there at Oak Knoll Park in Massillon, Ohio, June 11th last?

A. Yes.

Q. July 11th last?

A. Yes, July 11th, that is right.

Q. Who went with you?

A. A man by the name of Cockran, a neighbor of mine.

Q. About how large a crowd was there?

A. I didn't notice particularly but, oh, just a rough estimate, probably between eight and ten hundred people.

MR. LAUTER: At this time, if you please, Mr. Examiner, I want to formally move that the answer be stricken out and all testimony as to what happened at Oak Knoll Park be excluded from the record on the ground that it is incompetent, irrelevant and immaterial.

MR. DAY: Of course, the relevancy of it does not appear yet. We expect to show that this—

TRIAL EXAMINER LINDSAY: That is all right. Objection overruled and let the record show an exception.

Q. Did some speakers make speeches there that day?

A. Yes.

Q. Did you hear the speeches?

A. I heard one speaker, that is throughout his full speech, and part of another.

Q. Did you hear Mr. Joe Morton make a speech?

A. Yes, I did.

Q. About how long did he talk?

A. Oh, I would say about 10 to 15 minutes.

Q. Will you tell us what he said as near as you can recall it?

A. The thing that impressed me most in his speech was the—

MR. LAUTER: I want to object and move the remark be stricken out.

MR. DAY: Yes, I think that may go out.

TRIAL EXAMINER LINDSAY: That is stricken out. Mr. Day, this man appears to be intelligent. Do not ask him leading questions.

MR. DAY: I am not going to.

Q. (By Mr. Day) Just state as near as you can what you remember Joe Morton said in his speech.

A. He made different statements in regard to the men that they should fight on, that they are bound to win the strike, and I recall in the conclusion of his speech he made a very urgent appeal to the men to be out on the picket line that night.

MR. LAUTER: I object to the characterization of urgent appeal and move it be stricken from the record.

MR. DAY: I have no objection to that.

TRIAL EXAMINER LINDSAY: Yes, that is stricken from the record.

MR. DAY: The rest of it stays in, I take it?

TRIAL EXAMINER LINDSAY: Yes. Mr. Witness, you know you are under oath. You have a pretty good idea of what you should testify to. Now you just limit yourself to what you should testify to.

Q. (By Mr. Day) If he said anything more that you have not told, go on and finish.

A. That is about all there was to it about his invitation to the men he was talking with, or talking to that they should be down that night at 11 o'clock on the picket line.

MR. DAY: That is all.
MR. LAUTER: Is that all?
MR. DAY: Yes.

Cross Examination

Q. (By Mr. Lauter) What time did this meeting take place at Oak Knoll park?

A. It was scheduled, I believe, for 2:15 p. m. on Sunday afternoon.

Q. And how long did that meeting last?

A. I spent oh, probably, half an hour there.

Q. The meeting had disbanded when you left?

A. No, and it had started before we reached there.

Q. How did you happen to be there?

A. Well, I presume the thing that caused me to be there more than anything else was an announcement or an advertisement in our local paper the previous day that there was going to be a C. I. O. meeting. I had nothing particularly to do on Sunday afternoon and I recalled that announcement, so I invited my neighbor to go with me. We went over, got there around 2:30.

Q. How long did Mr. Morton speak?

A. I would say 10, 15 minutes.

Q. Have you ever attended any other meeting of the C. I. O.?

A. Not any. I made attempts to attend them but always—

TRIAL EXAMINER LINDSAY: That is out of the record.

Q. Well, have you ever attended any meetings at which a strike leader has spoken or a Union leader has spoken?

A. You mean at any time?

Q. That is right.

A. Or at any particular—

Q. At any time?

A. No, I cannot say that I have. I do not recall it.

Q. Was this peaceful, perfectly peaceful?

A. Oh, so far as the meeting was concerned, I did not see anything that was not peaceful about it.

Q. Was there anything inflammatory about Mr. Morton's speech?

A. Well, there were some statements that I would say if I were probably on the striking side, which would help me to feel I was justified and I wanted to continue.

Q. Out on strike?

A. Out on strike, that is the idea.

Q. You did not go out that night and commit any act of violence that night as a result of hearing that speech, did you?

A. No, I did not.

MR. LAUTER: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess.)

TRIAL EXAMINER LINDSAY: Hearing is called to order.

MR. LAUTER: I offer in evidence as Board's Exhibit No. 113 an order of the National Labor Relations Board granting application for issuance of subpoenas.

TRIAL EXAMINER LINDSAY: It may be received in evidence.

(The document above referred to was marked as Board's Exhibit No. 113 for identification and received in evidence.)

S. L. COCHRAN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.
A. S. L. Cochran.
Q. And your residence?
A. 322 Thorne Avenue, N. E.
Q. Massillon?
A. Massillon.
Q. How long have you lived in Massillon?
A. Fifty years.
Q. What is your occupation?
A. Custodian, First M. E. Church.
Q. I will ask you whether you recall going to Oak Knoll Park on a Sunday this summer?
A. Yes, I do, very distinctly.
Q. The 11th of July?
A. Sitting on my porch, and my neighbor, Mr. Davies, was getting ready to go over there. He asked me if I would like to go along and I said, "Yes, I would like to go along."
Q. About what time did you get there?
A. Oh, I imagine about 3 o'clock.
Q. Can you give us some estimate of the size of the crowd that was there?
A. Well, I would say that it was in the neighborhood of 800.
Q. Were any speeches made?
A. Yes, yes. I heard three different men talk.
Q. Whom did you hear?
A. Well, now, I couldn't hear the first speaker. He was a Massillon man.
Q. Yes?
A. Following him was a man—
MR. LAUTER: I would like to object to this

testimony, merely a repetition of the testimony given by Mr. Davies concerning a meeting held at Oak Knoll Park July 11th, 1937. I move it be stricken out on the ground of incompetency, irrelevancy, and immateriality?

TRIAL EXAMINER LINDSAY: Well, I don't see where it is material, but I will overrule your objection and let the record show an exception.

MR. LAUTER: Exception.

Q. Who else talked?

A. The man who was introduced as Joe Morton. I didn't know the man, or wouldn't know him now if I would see him.

Q. Just tell us what you heard Joe Morton say, using his words as near as you can.

A. Well, he—the first thing he did was to attack Chief Switter.

Q. What did he say about Chief Switter?

A. He said, "I hope that Chief Switter is in the crowd, because I am going to say something about him." He says, "There was a time when I thought Switter was a fine fellow, but" he says, "I am learned since that he is about as low-down a skunk as I ever knew."

Q. Can you recall anything else Joe Morton said?

A. Yes, he insisted on everybody that was in the crowd being there at 11 o'clock, being on the picket line.

Q. Can you remember the names of any of the other men, or do you know the names of any of the other men that were introduced?

A. The speakers, do you mean?

Q. Yes.

A. No, I don't think that I could.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) Did you go with Mr. Davies to

this meeting?

A. I beg your pardon?

Q. Did you go with Mr. Davies to this meeting at Oak Knoll Park?

A. Yes.

Q. Was it at his suggestion that you went?

A. It was.

Q. His suggestion?

A. Strictly.

Q. Had you attended any other meetings of the CIO?

A. No, sir.

Q. Have you ever attended any meetings since?

A. No, sir.

Q. How long did you stay in the meeting?

A. How long did we stay?

Q. How long did you stay?

A. Oh, I imagine half an hour.

Q. How long did Joe Morton speak?

A. I would say between ten and twelve minutes.

Q. Where were you in the crowd when he was speaking?

A. Very close to where he stood, within 20 feet.

Q. You heard everything he had to say?

A. I beg your pardon?

Q. You heard everything he had to say?

A. I think I did. I think I did.

Q. You could see him pretty clearly, from where you were standing?

A. Oh, yes.

Q. See his features?

A. I have got to get close to hear a man speak.

Q. And you could see his features pretty well, too, couldn't you? But you couldn't recognize him if you saw him now?

A. No, no, that is right.

MR. LAUTER: That's all.

MR. DAY: That's all.
(Witness excused.)

J. CHESTER ADAMS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?
A. J. Chester Adams.
Q. Where do you live?
A. 1505 South Erie Street, Massillon.
Q. What is your business?
A. I work for Republic Steel.
Q. In what capacity?
A. I take care of the telephones and outside lighting, signal systems. In other words, the electrical department.
Q. How long have you worked for Republic?
A. Between 15 and 16 years.
Q. Where were you when the strike was called last May the 25th?
A. In the plant.
Q. What were you doing in there?
A. Taking care of my job.
Q. How long did you stay in the plant after the strike was called?
A. Eight days.
Q. And then what happened?
A. I was sent home.
Q. And on what day did you leave the plant?
A. June the 2nd.
Q. About what time of the day?
A. Six o'clock.
Q. How did you leave?

A. By my car.
Q. Were you driving your car?
A. Yes, sir.
Q. Was anybody else with you?
A. Three other men.
Q. Can you give us their names?
A. One fellow by the name of Tonn.
Q. Can you spell his name?
A. T-o-n-n.
Q. All right.
A. Another fellow by the name of Williams, the third one, I am not positive of his name.
Q. Had they been working in the plant with you?
A. Well, not with me, but they were in the plant there.
Q. How many cars left the plant at the time you left in your car?
A. Well, approximately 60.
Q. How many?
A. Approximately 60, as near as I can remember.
Q. How many?
A. Approximately 60, I couldn't say positively, maybe 40 to 60 would probably hit it closer.
Q. Will you tell the Trial Examiner what happened as your car was leaving the plant that night?
A. Well, I was notified about 3:30 or 3 o'clock that I was to leave the plant at 4 o'clock, and 4 o'clock, why, this group was all lined up close to No. 2 gate. A little later on, as we lined up, why Bill McConnell came back from No. 2 gate and told us that it was all off, something to the order that Switter would not let us out or Morton would not let us out at that time, so we would have to go out at 6 o'clock. So we waited around until 6 o'clock. At that time the salary men all in one group and the hourly men, which included myself, in another group, and they started the salary men out, and we followed them. We followed them

as far as No. 2 gate. They stopped every salary man's car because I was in the lead of the hourly men.

Q. You say "they stopped." Who stopped?

A. Well, pickets.

Q. All right.

A. They stopped them at the intersection of Oberlin Road and the road running into No. 2 gate.

Q. All right.

A. And questioned them apparently as far as I could see, and passed them on through.

Q. What happened when you came along?

A. Well, they held us back until they got all through, see? Then we came up to this group of people, of course, they had a big celebration for us right away.

Q. Do not tell they had a big celebration. That may go out. Just tell what they did and what you saw them do.

A. You mean the number of men?

Q. First, the number of pickets that were there.

A. Well, I would judge three to four hundred people and the pickets, part of them armed with clubs, some women and some children.

Q. Then what did they do?

A Of course, my car was in the lead. I no sooner got to the corner than they stopped me there and Joe Morton crawled on one side of my car, that was on the right-hand side, and Chief Switter on the left-hand side of my car. Morton said we should run the windows down so they could get ahold on the car and Morton told me to drive over to C. I. O. headquarters, which I did.

Q. When you drove over there, were Mr. Morton and the Chief still on the running board?

A. Yes, sir. They directed me over and also directed me where to park, which is almost the C. I. O. headquarters and I pulled into this place that they designated and Mr. Morton told us to get out of the car.

Q. After you were told to get out of the car, did you get out?

A. There was not much else to do about it.

Q. Where did you go then?

A. We got out—

TRIAL EXAMINER LINDSAY: Wait a minute. Strike that out. Tell us what you did.

Q. Just tell us what you did and what you heard said.

A. Well, I got out of the car and locked it and I said to Chief Switter, "Is my car going to be safe here?" And he said, "Oh, yes, it will be all right." Then I walked across the street with Switter and the rest of them and we went into the headquarters and we went into a back room first and somebody says, "Not that room." And we all came out of there, see, into the main, the big room.

Q. Well, who did you see in the big room when you got in there, if anyone?

A. Well, Joe Morton was one.

Q. Anyone else?

A. Royal Thomas was another, a fellow by the name of Whitey Kale was there, other than that I could not remember who they were.

Q. Can you give us any idea as to how many were there?

A. Probably eight approximately.

Q. Did they have anything with them?

A. Clubs, not all of them, some of them had clubs.

Q. Then what happened?

A. Well, they lined us all up on the north side of the room in pairs. I was on the west end of the line and Morton and a few others lined up right directly opposite of us about 10, 15 feet from us, see, and Switter took a seat a little bit off to the left-hand side of Joe Morton.

Then they started to question us and I, of course, being the first one in line, they questioned me first.

Q. Will you tell us what they asked you and what you replied as near as you can remember?

A. Why, they asked me for my name and address. That was Morton did this talking and Whitey Kale was taking notes on it and he asked the question again so that he could put it down then and he asked me how long I worked there and I told him about 16 years and he says,—he asked me what I done and I told him and he said, "Do you consider that maintenance?" I said, "Sure, absolutely." "Well," he said, "I think so, too."

Q. What?

A. He said, "I think so, too."

Q. All right.

A. So then he asked me how much I was drawing for staying there and I told him I didn't know and oh, he asked me whether I ever thought about joining the C. I. O. and I said I hadn't given it a great deal of thought. In fact, nobody had ever approached me about it.

And then he turned to the rest of them and questioned them about in a like manner and several of them, he called several of them scabs due to their job. I don't know just what their job was or which particular fellows it was, but he called several of them scabs, and after he had gotten done questioning us why he said that we would all be given an opportunity to join the C. I. O. but we could not sign inside the headquarters there, that he would send several representatives around to our houses to see us and he went on to elaborate as to the benefits of belonging to the C. I. O. He said while we was in that place, why he could guarantee our protection, but supposing that we get downtown and get in a store or saloon or something of that sort, he said, if we carried a C. I. O. card why it might save us a beating up.

Q. How long were you there?

A. Oh, approximately an hour.

Q. And then where did you go and how did you go?

A. Well, Chief Switter, about that time Chief Switter looked at his watch and he said, "Cut her off, Joe. It is around 7 o'clock." And Morton said a few more words and he said, "All right."

Q. How much of the time that you have been telling us about was Chief Switter there?

A. All of it, the whole time.

Q. And then what happened.

A. Well, we went across the street and got into my car again and Switter and Morton crawled on the steps the same as before and they took me over to Oberlin Road and jumped off and said it was all clear, I should go on home, which I did.

Q. Did you join the C. I. O.?

A. No, sir.

Q. Where do you say you live, Mr. Adams?

A. 1505 South Erie Street, Massillon.

Q. Did you live there on the 11th of July last?

A. Absolutely.

Q. And where were you in the evening of that day?

A. I was to Turkeyfoot Lake.

Q. What time did you get home?

A. Well, I started from Turkeyfoot Lake in company with my wife and my son in my car. Just the exact time I left, I don't know, and my dad and mother were following in my dad's car. We came down to Massillon and, of course, I live right on South Erie, which is Route 21, that is the main route through town, and I naturally had to pass the viaduct and when I got to the intersection of South Erie and the viaduct, or close to it, I was the third car from the intersection.

Q. Going south?

A. Going south. And I noticed, as I came up to it, I noticed there was a slight congestion around there and while it was not probably a second that I was stopped, I looked around a little bit and just that quick I looked up

and I saw a car coming from a southerly direction headed into the first car in the line that I was in.

MR. LAUTER: I move that the answer of the witness be stricken, Mr. Examiner. The witness testified of what occurred at the viaduct and what he did at Turkeyfoot Lake and that has no bearing on this hearing.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

Q. We have a map here, Mr. Adams, a drawing which is Respondent's Exhibit No. 1. This, according to the symbol here, is north (indicating), this way up at the top, and south, at the bottom. Now just tell the Court—

A. Where this occurred?

Q. No. Where you live first?

A. Well, this is South Erie Street (indicating) this is north (indicating) and this is south (indicating). Now this is Oberlin Road (indicating). I live up approximately there on the right-hand side coming south.

Q. And show the Court where the viaduct is.

A. Right here is the viaduct (indicating).

TRIAL EXAMINER LINDSAY: Of course, this is not getting into the record.

MR. DAY: Well, can we not just show indicating, unless there is any objection to it, just show indicating. I do not think there is any question about it. Is that satisfactory to you?

MR. LAUTER: It is all right with me. I have already made my objection.

MR. DAY: It is in evidence.

TRIAL EXAMINER LINDSAY: Just let it go.

Q. (By Mr. Day) You were going south on Erie Street?

A. Yes, sir.

Q. And I understood you to say you were the third car going south?

A. From this intersection right here (indicating).

Q. Indicating the intersection of the viaduct and Erie Street?

A. Yes, sir.

Q. And you were telling the Court something about the movement of a car going north?

A. Yes.

Q. I think that is enough to give us a general idea. Now just tell in your own way what you saw happen there.

A. Well, as I say I looked around a little bit to see what the congestion was and when I looked up I saw a car probably 10, 15 feet ahead of the head car in the line that I was in approaching it, running away.

Q. And then what happened?

A. Smashed into the head car in the line that I was in.

Q. And then what happened?

A. Well, by that time I started looking for a hole to get out of.

Q. That may go out, that you started looking for a hole. Just tell us what happened.

MR. LAUTER: I want to renew my objection at this time to any testimony by this witness of what happened on the viaduct on the ground of incompetency, irrelevancy, and immaterality.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

A. As I said, I looked for a place to turn around in.

Q. All right. Continue.

A. My wife got hysterical and that was my first thought and right after this crash occurred why I saw a fellow jump out of the left-hand side of this car.

Q. The car going in what direction?

A. Running over to the sidewalk and then running north on the west sidewalk.

Q. You say you saw a man jump out of this car, which car do you mean?

A. The car that was driving in—the car that was in motion, the one that crashed into the head car in the line I was in.

Q. By the way, did you get the license number of that car?

A. No, I didn't stay long enough.

Q. Did you get the license number of any of the cars?

A. No.

Q. Can you tell the Court what type of make of car the car that was going north was?

A. A Ford V-8, approximately a '33 or '34.

Q. Now you were telling about seeing some men jump out of the car. Tell the Court what you saw him do.

A. Started up the street running.

Q. What street?

A. South Erie Street.

Q. In what direction?

A. North.

Q. Then what happened?

A. Somebody was chasing him.

Q. Yes?

A. Somebody hollered at him to stop and of course, I, —I lost track of him then and I probably saw him for 50 feet after he left the car.

Q. Did you see anybody else then?

A. Yes, I saw several other fellows running and around this time this fellow started running, I heard some glass crash. Where it came from, I don't know.

Q. Where did the other fellows that you saw running come from, and where were they going?

A. I saw several fellows come off of the sidewalk and run down between the cars.

Q. Between the cars that were together as you have described?

A. Yes, sir. Between the cars that were parked along the curb and the cars that were waiting at the intersection.

Q. Then what if anything did you hear or see?

A. Well, I saw one of them make a pass towards the door handle on the second car. He reached over this way (indicating), and that is the last I saw of it because I was turned.

Q. Now you turned your car so that it was headed in what direction?

A. I turned west, or east, across the street and turned right straight around. There was a vacant spot there, and headed north.

Q. Then what happened if anything that you saw or heard?

A. I heard a couple of shots.

Q. Could you tell anything as to where they came from or just that they were a couple of shots?

A. Sort of in a westerly direction.

Q. You do not know who fired the shots?

A. No.

Q. You worked at Republic for a good many years?

A. Yes.

Q. And you live up there at the corner of the viaduct and South Erie?

A. Well, just above it.

Q. I will ask you whether or not you have observed who uses that South Erie Street and the viaduct.

A. Well, South Erie is a main thoroughfare for everybody, and the viaduct is used to pass working men.

Q. To pass working men?

A. Yes. To the Republic, the Aluminum Company, Tyson, and Eaton Detroit.

Q. And those workmen that you say passed the viaduct or for whom the viaduct is used, where do they come from that you have observed yourself?

A. Well, they come from the north direction to the south direction.

Q. On what street?

A. South Erie.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) How far away from the plant do you live on Erie Street?

A. Well, there is the map, I can show you better on that.

Q. Can you give me an idea of blocks or miles or feet?

A. No.

Q. You do not know how many feet it is or miles?

A. No.

Q. You do not know whether it is a mile or 10 miles?

A. It is within a mile.

Q. That is all you know?

A. Yes.

Q. Do you know where the Republic headquarters main office is? I am asking you generally without referring to the map.

A. It is on Oberlin Road, the north side of Oberlin Road.

Q. Do you know where the C. I. O. headquarters are?

A. Yes.

Q. I want you to point out on this map where the C. I. O. headquarters are and where the District Office of the Republic Steel plant is at Massillon.

A. Cleveland Avenue, Oberlin Road, here is the District Office.

Q. You are now pointing on this map to the District Office, is that correct?

A. Yes.

Q. Now, I want you to point to the C. I. O. headquarters.

A. It is marked.

Q. It is marked on the map. I want you to take this

pencil and draw a straight line from any point on the C. I. O. headquarters to the nearest point on the District Office indicated on this map. Will you do that? Do you understand my question?

A. What is your purpose?

Q. I am not interested in whether you want to know what my purpose is. Draw a straight line from the C. I. O. headquarters to the nearest point on the District Office.

A. (Witness marks line on exhibit.)

Q. How many lines have you cut across on this map? Not pencil lines, but regular printed lines that are a part of this map.

A. Four.

Q. Where are the four lines? Will you indicate?

A. Five, here is one, here is another one (indicating).

Q. On this map you have cut across five lines, is that correct?

A. As I see it.

Q. Yes; are you familiar with that territory there?

A. More or less.

Q. Have you ever been to the district office in that vicinity?

A. Absolutely.

Q. Do you know where the CIO headquarters was?

A. Yes.

Q. Is there anything obstructing your vision, actually? Can you look from the main office or district office to the CIO headquarters without any obstruction?

A. Do you mean the entire building?

Q. Not the entire building, can you see the CIO headquarters?

A. From a certain part of the building.

Q. From the nearest point that you have indicated on the map?

A. I would not say positive, there, because I don't know that—

Q. Is that empty territory there? There are no buildings there, is that correct?

A. There are buildings across the street.

Q. Would that block your vision?

A. Well, I don't know.

Q. You don't know that area well enough?

A. You mean from the point where I indicated on the map? The office? Oh, you can see—

Q. Would it or would it not, from the point that you have indicated on the map?

A. I couldn't say positive as to that.

Q. You don't know that area well enough?

A. No.

Q. Did you ever try to leave the mill after May 25th?

A. No, sir.

Q. You said that you were sent home on June 2nd, is that correct?

A. Yes.

Q. Who sent you home?

A. My department head.

Q. What is his name?

A. Mr. Donovan.

Q. How many men are there in your department, do you know?

A. Ordinarily?

Q. That's right.

A. I have no idea.

Q. Ten, fifty, or a hundred, or a thousand? Have you got some idea as to numbers?

A. Well, the electrical embraces quite a lot of things, crane men, and so forth.

Q. Is that in your department?

A. Well, sure, they are all.

Q. How many men are there in your department?

A. Probably 150.

Q. 150? How many men of your department remain-

ed in the plant, do you know?

A. I don't know.

Q. Do you know whether one or two other members did remain?

A. Well, the plant is large.

Q. I am asking you whether or not you know whether any other members of your department remained in the plant after May 25th, 1937?

A. Oh, yes, there were other members remained there, but I don't know how many.

Q. What preparations were made for your remaining in the plant, do you know?

A. I don't know, I didn't make them.

Q. Did you sleep on a cot?

A. Yes.

Q. Did you sleep on a cot the first night you were in the plant?

A. Yes.

Q. Were you supplied with a gun or any ammunition while you were in the plant?

A. Absolutely none whatsoever.

Q. Do you know whether anyone else was?

A. No, sir, I didn't see any.

Q. You testified about a conversation at CIO headquarters after you came out?

A. Yes.

Q. Did you suffer any bodily harm during that conversation?

A. No.

Q. When did you return to work after June 2nd?

A. July 3rd.

Q. And who suggested to you to return to work?

A. My department head.

Q. What is his name again?

A. Why, Mr. Kelvie is under Mr. Donovan, called for me at home, and I was not in at the time, so I called back

and I don't know who answered the phone, but Mr. Donovan was in the office and Mr. Donovan repeated the orders to him, to this fellow, who did it over the phone. You see, I could hear him. I know his voice.

Q. What did he say to you over the phone?

A. Why, he told me that I could come to work in the morning.

Q. You could come to work in the morning?

A. Yes.

Q. What was the date of that conversation, do you know?

A. Well, the 2nd of July.

Q. The day before you went back?

A. Yes.

Q. Now, have you signed a Back-to-Work petition?

A. Yes, sir.

Q. Where did you sign that petition?

A. A fellow went by my house one day and I signed it.

Q. Who went by your house, do you know the name of the man?

A. Sure.

Q. What is his name?

A. Clarence Barrow, he and another one. I don't know the other man.

Q. Do you know the position which they hold in the plant? What department they work in?

A. Why, Clarence is a clerk.

Q. He is a clerk?

A. Yes.

Q. In what department?

A. He works in the mill office. That is in the steel division. I don't know just what department you would call it.

Q. Do you know what department the other man worked in?

A. No.

Q. Do you know what position he had in the mill?

A. No.

Q. How much did you get for working in the mill during the strike?

A. About double time.

Q. Double time?

A. Yes.

Q. That is, for every eight hours you got paid for sixteen?

A. Yes.

Q. How many hours a day did you work in the mill while you were there?

A. Eight.

Q. And you got paid for sixteen?

A. Yes.

Q. You testified that you never joined CIO, is that correct?

A. Absolutely.

Q. Were you ever beaten up?

A. No.

Q. No one ever beat you up in a saloon or storeroom in the town, is that correct?

A. I didn't stay around town.

TRIAL EXAMINER LINDSAY: Well, answer the question. Did they? Yes or no.

A. No.

Q. Are you able to identify any of the men who were at the scene of the accident? Do you know their names?

A. Not from seeing them.

MR. LAUTER: That's all.

MR. DAY: That's all.

(Witness excused.)

(Thereupon, at 12 o'clock M, an adjournment was taken to 1:30 o'clock p. m.)

Afternoon Session

(Whereupon, at 1:30 p. m. the hearing was resumed and the following proceedings were had:)

TRIAL EXAMINER LINDSAY: Hearing called to order.

LOUIS ARNOLD

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?

A. Louis Arnold.

Q. Where do you live?

A. 323 Lincolnway West, Massillon.

Q. Talk out loud enough so that we can hear you over here.

A. 323 Lincolnway West, Massillon.

Q. Where do you work?

A. Coke plant, Republic Steel, in Massillon.

Q. How long have you worked there?

A. Oh, about four years.

Q. Do you remember the day that the strike was called at Republic, the 25th of May?

A. I do.

Q. Where were you that night?

A. I was working in the mill.

Q. You were working in the mill?

A. Coke plant, yes.

Q. You are a larry man? What is your job in the coke plant?

A. Larry man.

Q. What does the larry man do?

A. He has charge of the ovens, charge of the coal to make the coke.

Q. How long did you stay in the coke plant after the strike started?

A. A day.

Q. Did you work there during that time?

A. I did.

Q. Did you sleep there at night?

A. Yes.

Q. What time did you leave the plant? On what day?

A. On June 2nd.

Q. About what time of the day?

A. In the morning, about 7:30, I would say.

Q. In the evening or morning?

A. Morning.

Q. In the morning?

A. Yes.

Q. How did you go out?

A. I walked out the No. 3 gate, and I was taken in a machine by Johnny LaHudie and some other fellows.

Q. You walked through the gate?

A. Yes.

Q. Keep your voice up and talk as loud as I do. And then when you said you got to the gate, you were taken in whose car?

A. Johnny LaHudie.

Q. And who is Johnny LaHudie?

A. He is an employee at the coke plant.

Q. What?

A. Employee at the coke plant.

Q. Did he go out that day, too?

A. No, he was on the picket line.

Q. Oh, he was one of the strikers?

A. Yes.

Q. Was anybody else in LaHudie's car besides you and LaHudie?

A. Yes, Willie Hogans and myself.

Q. Hogans?

A. Willie Hogans.

Q. Who is Hogans?

A. He is an employee of the coke plant.

Q. Is his name Hogan, or Hogans?

A. Hogans.

Q. Is there an "s" on the end of it?

A. Yes.

Q. Anybody else in the car besides you and Ho
And LaHudie?

A. There was another fellow sitting in the bac

Q. In the back seat?

A. Yes.

Q. After you got in the car, where did you go

A. Down to the CIO headquarters.

Q. About how far was CIO headquarters fro
place where you got into the car?

A. I would say about a mile.

Q. And when you got to the CIO headquarters,
happened?

A. They got in and we walked in the CIO hea
ters.

Q. When you got in there, whom did you see?

A. Well, I saw several fellows. The ones that I
was Joe Morton, a fellow by the name of Green Harp

Q. Is Harper the last name and Green the first

A. Yes.

Q. Anybody else you know?

A. Alex Wood, were the three men I knew per
ly.

Q. About how many men were in the CIO hea
ters when you got there?

A. I would say a dozen on the inside, about a
on the inside.

Q. Then what happened?

A. Well, we sat down, they asked us why we sta
the plant and we told them we were working, maint

our own jobs. He asked us if we knew that we were breaking the rules.

Q. What else was said?

A. We told him no, we were just working, maintaining our own jobs.

Q. Yes.

A. Well, he said, "Didn't anybody say anything to you about joining CIO?" We told him no.

Q. Anything else said?

A. Well, he says, "You fellows knew you was doing wrong," he says, "Why didn't you come on out when the rest of us did?"

Q. Yes, anything else?

A. He says, "Do you fellows want to join the CIO?" He asked us if we were going to sign up. He says, "Have you got $4?" We told him no, we didn't have it. "Well," he says, "you can't sign, you are not getting out of here until you get $4."

Q. Who said that?

A. Joe Morton.

Q. All right.

A. So we sat down. Words was passed.

Q. Can you remember any of the words that was passed?

A. Well, one word in particular I remember he said if we didn't get the $4 he was going to take us out and beat the living hell out of us.

Q. Who said that?

A. Joe Morton.

Q. Tell anything else you can remember that was said there.

A. Well, Hogans' brother-in-law, at the time, Heman Richardson came in; he went home and got the $4 for Hogans.

Q. Did Hogans sign up?

A. Yes.

Q. Did you sign up?

A. No, I didn't.

Q. Anything else you can remember?

A. They told me when I got the money, if I didn't come back, sign up, they was coming after me.

Q. Yes, anything else?

A. That is all I remember.

Q. And then did you leave?

A. Yes, I left, then after his brother-in-law paid for him, they told me I could go.

Q. About how long were you in there?

A. I will say about 15 minutes.

Q. *Can you remember* anything else that was said?

A. No, that is all in particular.

Q. What?

A. That is all in particular I can remember.

MR. DAY: All right, that's all.

Cross Examination

Q. (By Mr. Lauter) What turn do you work?

A. I was working 7 to 3 at the time.

Q. What turn were you working on on May 25th?

A. On May 25th I was not working. I was off May 25th. I went to work May 26th, 7 to 3.

Q. That is 7 in the evening to 3 in the morning?

A. 7 in the morning until 3 in the evening.

Q. The first day of the strike you went to work, is that correct?

A. Yes.

Q. How long did you stay in the plant?

A. Eight days.

Q. Did anybody tell you to come to work on May 26th?

A. Yes, they came for me.

Q. Who came for you?

A. Bill Jones.

Q. Bill Jones?

A. Yes.

Q. Who is Bill Jones?

A. Foreman at the coke plant.

Q. Where did he come for you?

A. I was in a billiard parlor downtown.

Q. You were in a billiard parlor?

A. Yes.

Q. Go on.

A. He asked me if I would like to work and I told him yes.

MR. DAY: It is hard to hear you. You can talk a little louder. We have got a fan over here.

Q. How long did Bill Jones talk to you in the billiard parlor?

A. Just passed a couple of words. Asked me if I would like to work and I said yes.

Q. Did he take you to work himself?

A. Yes.

Q. In his car?

A. Yes.

Q. How many hours did you work in the plant on May 26th?

A. Eight.

Q. Did you work eight hours every day that you stayed there in the plant?

A. We was on eight and off eight.

Q. On eight and off eight did you say?

A. Yes.

Q. How much were you paid for that?

A. We were paid 14 hours for 8.

Q. You were paid for 14 hours for every 8 hours you worked?

A. Yes.

Q. Did they provide you with a cot the first night you were in the plant?

A. Yes.

Q. Were there cots for the other men in the plant?

A. Yes.

Q. Did they provide you with any liquor?

A. No.

Q. Any guns?

A. No.

Q. During the time that you were in the C. I. O. headquarters, did you suffer any bodily harm of any kind?

A. Any what?

Q. Did they injure you in any way?

A. No.

Q. Did you ever try to leave the mill after May 26th, 1937?

A. No.

Q. You wanted to stay in the mill, is that right?

A. I did.

Q. You knew there was a strike on?

A. I did.

Q. Did you sign any Back-to-Work petition?

A. I did.

Q. Where did you sign it?

A. In the Chamber of Commerce.

Q. When did you sign it?

MR. DAY: May we have an objection on the same ground, this is not proper cross examination?

A. I disremember when I signed.

TRIAL EXAMINER LINDSAY: Objection overruled and let the record show an exception.

Q. How did you happen to go to the Chamber of Commerce? Who suggested you go there?

A. Different employees was talking and I walked up with the fellows.

Q. Didn't Bill Jones tell you to go and sign?

A. No.

Q. Did any of the foremen there suggest that you go to the Chamber of Commerce?

A. No. I didn't see any of the foremen.

Q. I am not asking you if you saw any of the foremen there.

A. No.

Q. I am asking you if any foreman in the plant suggested to you that you go to the Chamber of Commerce and sign a Back-to-Work petition?

A. No.

Q. You are sure of that?

A. I am positive.

Q. When did you return to work after you left the plant on June 7th, I believe it was?

A. That I don't know. When they started operating. When that was, the exact date, I don't know.

Q. Well, approximately a couple of weeks later?

A. About a month.

Q. Who came to take you to work that time?

A. No one.

Q. Did someone call you up and tell you to come to work?

A. No, no one called me.

Q. How did you know you were to go back to work on that day?

A. I was talking to the superintendent and he told me.

Q. Who is the superintendent? What is his name?

A. Marsh Bower.

Q. Where did you see Mr. Bower?

A. I seen him one Sunday afternoon, I saw him on the street.

TRIAL EXAMINER LINDSAY: Keep your voice up, will you?

Q. What did he say to you?

A. He asked whether I was willing to come back to work and I told him yes.

Q. Did he tell you when to come to work?

A. Yes, on Monday.

Q. And you came?

A. Yes, I did.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. PONTIUS: Mr. Charles Spicer.

CHARLES SPICER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Charles Spicer?

A. Yes.

Q. Where do you live?

A. 814 Mathias, Northeast, Massillon.

Q. Where are you employed?

A. Republic Steel.

Q. How long have you been employed at that Company?

A. About 18 years.

Q. Now I will ask you to state whether or not you at any time came in contact with Chief Switter at Massillon.

A. Yes, sir.

Q. Do you know when that was?

A. It was about the 12th of June.

Q. Of this year?

A. Yes, sir.

Q. Was there anyone with you at the time?

A. Mr. Shoen.

TRIAL EXAMINER LINDSAY: Talk louder, will you, please?

THE WITNESS: Yes, sir.

Q. Did you have a conversation with the Chief at that time?

A. I did.

Q. Relate that conversation which you had with the Chief.

A. He went down to—we heard we had to get a court order. We wanted to get some belongings out of the plant. We went to the Clerk of Courts, the stenographer in there—

Q. I don't want you to tell what you said to the stenographer.

A. She directed—

Q. You did have a talk with Chief Switter, you say?

A. Yes.

Q. Go right to that, please, where was that?

A. We went to Chief Switter and asked him if we could get in the plant to get some belongings, we did not get when we came out.

Q. I cannot head a word you say, sir. Please talk up.

A. We went into Switter's office and asked Switter about getting into the coke plant in order to get some belongings we had in there.

Q. Well, what was said by you to Chief Switter?

A. And Mr. Switter picked up the telephone.

Q. What did you say to the Chief is what I am trying to get at first? What did you say to him?

TRIAL EXAMINER LINDSAY: He has already told that.

Q. All right. I cannot hear him very well. All right. What did the Chief do?

A. The Chief picked up the telephone receiver and called Joe and after he had a conversation with this man

Joe, why he told us there is no one going in or out of the plant.

Q. What is it that you went there to get out of the plant?

A. My clothes and some tools.

Q. Yes.

TRIAL EXAMINER LINDSAY: Read that.

(Question and answer read.)

Q. Arranged to get.

TRIAL EXAMINER LINDSAY: Tried to get?

MR. PONTIUS: Yes.

TRIAL EXAMINER LINDSAY: I didn't get that.

MR. PONTIUS: May I ask the question again?

Q. What was it that you went to the Chief's office for? What did you go there to arrange to get from the plant?

A. To get our clothes and tools.

Q. When were they left in the plant?

A. I came out on the 7th of June and this was the 12th.

MR. PONTIUS: That is all.

MR. LAUTER: I move to strike the testimony of this witness from the record. There is no identification of the person with whom Chief Switter spoke, no connection with any of the parties in this action.

TRIAL EXAMINER LINDSAY: I am inclined to grant that motion. Let the record show an exception.

MR. LAUTER: Do I understand the testimony of this witness is entirely stricken out or so much of it as relates to the conversation he overheard Chief Switter and a person named Joe—

TRIAL EXAMINER LINDSAY: So much as relates a conversation.

MR. DAY: Is that on the grounds, your Honor, that Joe is not identified?

TRIAL EXAMINER LINDSAY: It is on the ground that most of the testimony has not been connected up in any definite way.

Cross Examination

Q. (By Mr. Lauter) When did you say you came out of the plant?

A. 7th of June.

Q. How long had you remained in the plant?

A. 14 days.

Q. What is your position in the plant?

A. Mechanical foreman.

Q. How many men are there under you?

A. Eleven.

Q. Do you have the right to hire and fire?

A. No, sir.

Q. Do you have the right to recommend the hiring and firing of men?

A. Yes, sir.

Q. Is your recommendation generally followed?

A. Yes.

Q. Did the 11 men who worked in your department stay in the plant at the same time you did?

A. Three of them could not get in. The rest did.

Q. I am asking you if the 11 men stayed in the plant, did they or didn't they?

A. No, sir.

Q. How many of the men stayed in the plant?

A. All but three.

Q. When did those men leave?

A. They could not get in.

Q. I am asking you how long the eight men stayed in the plant.

A. For 14 days.

Q. Did you suggest to those men that they remain in the plant?

A. No, sir.

Q. Did you speak to them about remaining?

A. No.

Q. Did they speak to you about remaining?

A. They did.

Q. Tell the conversation and identify them.

A. They volunteered.

Q. Detail the conversation you had with any of these men concerning remaining in the plant.

A. We didn't have any conversation, they just volunteered to stay.

Q. Did you have a conversation with them?

A. It was their job and they volunteered to stay.

Q. Did you have a conversation?

A. Not any more than the routine of work.

Q. What is that?

A. Not any more than the routine of work.

Q. Did you have any conversation with them about remaining in the plant?

A. No.

Q. They never spoke to you?

A. No, sir.

Q. They just stayed in the plant when the strike came?

A. That is right.

Q. That is right?

A. Yes.

Q. What is the name of your department?

A. Mechanical department.

Q. What is the nature of your work?

A. General repair in the coke plant.

Q. Who suggested to you that you could leave the plant on June 7th?

A. Mr. Donovan.

Q. What is his position?

A. He is superintendent of the mechanical and electrical departments.

Q. You wanted to stay in the plant until June 7th, is that right?

A. Yes.

Q. And the other men in your department wanted to stay there?

A. Yes.

Q. Was any attempt made by yourself or any of these men to leave the plant until June 7th?

A. No, sir.

Q. Did you experience any difficulty in leaving the plant on June 7th?

A. Not any more than we were stopped at No. 2 gate.

Q. When did you return?

A. The 2nd of July.

Q. Did you return with some of the men who worked in your department?

A. I returned alone.

Q. Did you have any conversation between June 7th and July?

A. They contacted me every few days. They usually called up.

THE REPORTER: Please speak a little louder.

TRIAL EXAMINER LINDSAY: You have a louder voice than that, I am positive.

A. Why, they came up to the house sometimes to see me.

Q. Did you finally advise them when they could come back to work?

A. After I got orders to come back.

Q. Who gave you orders, telling you when to come back?

A. Well, I called Mr. Donovan up around about the 26th or 27th of June, and asked him if he knew when the

plant was going to resume operations and he said he didn' that he would let me know when he got word.

Q. Did he let you know?

A. On July 2nd.

Q. Did you let the men in your department kno when they could return?

A. I did.

Q. You stayed in the plant from May 25th or 26t until June 2nd. Were you provided with a cot to slee on?

A. Yes, sir.

Q. Is that also true of men in your department?

A. Right.

Q. Were those cots there on that day of the strike?

A. Yes, sir.

Q. Do you know who brought them in?

A. No, I don't know.

Q. How much did you get paid for the time you spen while you were there?

A. Straight time.

Q. What is that?

A. Straight time.

Q. How about the men who worked under you?

A. Oh, they got straight time, I think, I don't know.

Q. Are you sure they got straight time?

A. It was either time and a half or straight time.

Q. What is that?

A. It is either time and a half or straight time. Tha is something I don't know.

TRIAL EXAMINER LINDSAY: Well, listen witness, if you don't know, say so.

THE WITNESS: Well, I don't know.

Q. Did you see any of the Back-to-Work Petitions?

A. I beg your pardon?

Q. Have you seen any Back-to-Work Petitions?

A. No.

Q. Do you know what they are?

A. I have heard they were out.

Q. You heard what?

A. I have heard they were out. I didn't see any of them.

Q. From whom did you hear they were out?

A. Oh, the fellows.

Q. Would you mind speaking up? I can't hear at all.

A. Fellows on the street. I never seen any Back—any of the petitions myself.

Q. Well, did you hear the foremen were taking them around to some of the employees?

A. No, sir.

MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Pontius) Mr. Spicer, going to this incident at the Cit, Hall when Chief Switter was there, did he ever mention the last name of this man Joe, to you?

A. No.

MR. PONTIUS: That's all.

(Witness excused.)

FRED C. SCHOEN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Fred C. Schoen.

Q. You live in Massillon?

A. Yes, sir.

Q. Where in Massillon?

A. 740 Phillips Road.

Q. Where are you employed?

A. Republic Steel Corporation.

Q. How long have you been employed by that company?

A. Four years.

Q. Did you go to the City Hall in Massillon at any time with Mr. Spicer?

A. Yes, I did.

Q. And do you know when that was?

A. Saturday morning, on June 12th.

Q. Do you know Chief of Police Switter?

A. Yes, sir.

Q. I will ask you to state whether or not you and Mr. Spicer came in contact with the Chief there at the City Hall?

A. We did.

Q. Now, I ask you, Mr. Schoen, to relate as fully as you can your conversation with Chief Switter on that occasion?

A. After we went into Chief Switter's office, he asked us what we wanted. I told him that I understood that we could get a court order to get into the Republic Steel Plant to get our tools and belongings, and I wanted to know if we could get it from him. And he said he didn't know, but he would find out for us. Then he picked up the telephone and called a certain number and asked if Joe was there.

Q. Do you know the telephone number he called?

A. No, I don't. It was a four party—or four number line, four dial number, so it would be a local number, that is all I knew.

Q. Go ahead, say what was said.

A. Evidently—

Q. No, not evidently. What was said? You say he asked for Joe. Now, go from there straight on.

A. He waited a few minutes and someone answered the phone, then he said, "I have a couple lads here from

the coke plant who want to get their tools out of the plant," and then he turned to us and he said, "All right," and he added a little later, "Dick Hardman," and someone else, I don't recall the name, "and I want to come down and see you. We will be down in about half an hour," and he hung up. Then he turned to us and he told us, "There is no one going in or out of the plant." That is all of the conversation.

Q. Nothing further that was said there?

A. Nothing further said.

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) What department are you working in, Mr. Schoen?

A. Furnace division.

Q. How long have you worked for Republic?

A. Four years.

Q. What was your turn on May 25th?

A. I worked day turn all the time. I am electrical foreman.

Q. What?

A. I am electrical foreman, furnace division.

Q. Do you have any men working under you?

A. Yes, sir.

Q. How many?

A. Six.

Q. Did you remain in the plant during the strike?

A. I did.

Q. How long?

A. I left there on the 7th of June.

Q. Were you provided with a cot when you were inside of the plant?

A. Yes, sir.

Q. How many men in the division stayed in the plant?

A. Four.

Q. Did you suggest to them that they remain?

A. I told the men that it was up to them to decide whether they wished to remain or go home. And the men I talked to, four of them stayed in the plant.

Q. Did they leave at the same time you left?

A. No, sir, they left the 3rd of June.

A. They left before you did?

A. Yes, sir.

Q. How much pay did you receive while you were in the plant?

A. Same time.

Q. How much did the men who were working under you draw?

A. I don't know, to be exact.

Q. How many conversations did you have with these men about remaining in the plant?

A. One each.

Q. Were they substantially the same?

A. Substantially the same thing. I told each man that it was up to him to make up his mind what he wanted to do, whether he wanted to work, help us prepare the plant for a shut-down, or to go home. They should make up their own mind.

Q. Did you suggest to them they might get an increase of pay for remaining?

A. No, sir, because we didn't know it.

Q. You don't know whether or not they did get an increase in pay?

A. I don't know.

Q. Did you circulate any Back-to-Work Petitions?

A. No, sir.

Q. Do you know whether any other foreman did?

A. No, I don't.

Q. Do you know whether the men in your department signed Back-to-Work Petitions?

A. I think some of them did. I won't swear to it.

Q. Did they sign it in the plant?

A. None, that I know of, did.

Q. You say you were down to see Chief Switter on June 12th? A. June 12th, yes.

Q. With Mr. Spicer?

A. Mr. Spicer.

Q. What was the reason you went down there?

A. I wanted to get my tools and clothes out of the plant.

Q. You said something about getting a court order, is that correct?

A. That is right, yes, sir. I had heard a rumor that it was possible to get a rumor [order] of that kind, that you might get your tools out of the plant. I wanted to find out.

Q. With whom did you have any conversation prior to seeing Chief Switter about—going to Chief Switter to get a court order, to get your tools out?

A. The lady clerk in the clerk of court's office, City Hall Massillon.

Q. With whom else did you have any conversation with respect to the same subject?

A. I don't know, I just heard a rumor of it when I was downtown about two days previous.

Q. Didn't you have a conversation with Mr. Spicer about it?

A. Well, Mr. Spicer, yes.

Q. What conversation did you have with Mr. Spicer about it?

A. Well, I told him the rumor I had heard, so we decided we would go down to see if we could get it, because we left all of our working clothes and tools in the plant.

Q. Was it at your suggestion that you went down, or Mr. Spicer's?

A. It was my suggestion.

Q. You suggested to him that both of you might go down?

A. Yes, sir.

Q. Now, try to recollect as nearly as you can, from whom you heard what you describe as a rumor, that you can get a court order to get your tools out of the plant?

A. I heard—I was downtown about two days before, I had met some of my motor inspectors on the street, and there was a stranger came into the group, he was a stranger to me, but the fellows I was talking to knew him, he said he had heard that another man had gotten his tools out of the plant by getting a court order from the clerk of courts, and I said, "If that is the case, I am going to try it also." So that is all the rumor I heard.

Q. You don't know who the man was?

A. I don't know who the man was.

Q. Now, when did you return to work after you left the plant on July 7th?

A. 5th of July.

Q. Did you leave on June 7th or July 7th?

A. I should have said June 7th.

Q. June 7th?

A. I left the plant.

Q. At whose suggestion did you return to the plant?

A. Well, I was calling in, after the National Guard came in to Massillon, I started calling the plant every day. Finally they had telephone connections and I got hold of my immediate chief Mr. Kelvie, foreman, and talked to him, and he said there wasn't anything open yet, so I kept on calling him and on the 4th I talked to him and he said they were planning to reopen at the furnace division the next day, so I don't know whether it was his suggestion or my calling in.

Q. After that did you call the men to work for you?

A. No, I didn't, my men had been calling me and getting in touch with me about every other day, and after the guards were in town, they were getting in touch with me every day.

Q. After Mr. Kelvie told you that they were going to

open the furnace division, and you were called by a man in your department, did you advise them about the fact that the plant was going to be opened and they couldn't return to work?

A. I left word for one man that the plant was going to be opened and he could come back to work next morning.

Q. What instructions did you give the other men?

A. I didn't give instructions to any other men.

Q. Did you have any conversation with them, subsequent to the conversation with Mr. Kelvie?

A. No.

Q. Did they return without having a conversation with you about it?

A. They returned without having conversation with me.

Q. How many of them returned?

A. Four.

Q. Do you know whether they had conversations with any other official of the company?

A. No, I don't.

MR. LAUTER: That is all.

MR. PONTIUS: That's all.

(Witness excused.)

RALPH W. WOOD

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Ralph W. Wood.

Q. Where do you live?

A. 702, 10th Street, N. E., Massillon.

Q. What is your business?

A. Clerk.

Q. For Republic?

A. Yes.

Q. What kind of a clerk, or what department?

A. Schedule, open hearth furnace.

Q. Talk a little louder.

A. All right, schedule open hearth furnace and the blooming mill.

Q. How long have you worked for Republic?

A. Four years.

Q. Do you remember the night of the strike, May 25th?

A. I do.

Q. Did you work after that?

A. Yes, sir.

Q. Were you working on the day of the strike?

A. I was working 3 to 11 turn.

Q. Well, how long did you work, then?

A. I think it was on June 2nd when I left.

Q. And then you were in the mill from May 25th to June 2nd?

A. Yes, sir.

Q. Working?

A. Yes, sir.

Q. About how many men were in the mill?

A. I wouldn't have any idea off hand.

Q. Can you give us any estimate of it? How many were there where you were?

A. Possibly eight or nine, somewhere around that.

Q. You stayed there at night?

A. Yes, sir.

Q. And you left the plant on the 2nd of June?

A. Yes, sir.

Q. When did you go to work again, then?

A. On the 9th day of July, 11 o'clock the 9th of July.

Q. The 9th day of July?

A. Yes, sir, 11 o'clock.

Q. Was that after the troops came in?

A. Yes, sir, it was.

Q. On Sunday night, July 11th, about 10 or 11 o'clock where were you and what did you do?

A. On the night of the 11th I went to work at 11 o'clock, I left my home at about 10:20 p. m.

Q. You left your home by what method? Did you have a car that you drive?

A. Yes, sir.

Q. Anybody with you?

A. No, sir.

Q. And what was the way you took to go from your house to the mill?

A. South on 10th Street until I come to Andrew; west on Andrew until 8th Street; south on 8th Street to Lincoln Highway; west on Lincoln Highway until Erie Street; south on Erie until Oberlin Road; west on Oberlin Road.

Q. Now, did that take you over the viaduct?

A. Yes, sir.

Q. And state whether or not at that time there were many men, or how many men that went over that viaduct going to work, off south Erie?

A. That night?

Q. No, just usually—Was that the usual way for men to get to the mill?

A. Yes, sir.

Q. And the men that took that course to the mill, where did they live generally? What part of Massillon?

A. Oh, I would say the north and the northeast.

Q. Now, what happened that night while you were driving to work?

A. When I got within about four or five blocks of the viaduct there was quite a number of machines parked along the road there and I pulled down and there was about three cars parked a short distance back from the entrance to the

viaduct, very close to the center of the street. I pulled around those street cars and attempted to cross the viaduct, but there was two other cars had just turned in towards the entrance of the viaduct ahead of me.

Q. Will you talk a little louder, please? With that fan it is hard for me to hear.

A. I had swung wide to get into the entrance to the viaduct, but I did not get all the way in. I started, then, and made a turn right off of Erie Street, to Oberlin Road, and at that time there was a car crashed, just a couple of cars ahead of where I was standing in my car.

Q. Now, the car that crashed was going in what direction?

A. It was going north on Erie, and made a lefthand turn into Oberlin Road.

Q. And what cars did it crash into?

A. There was one car sitting up in front, very close to the mouth of the viaduct.

Q. And did you see the position of the cars after the crash?

A. No, there was a bunch of people come running out around, men and young fellows, and I didn't see the position of the cars.

Q. Did you see what kind of a car this car was that crashed into the other cars?

A. It was a light greenish gray colored car.

Q. Do you know what make it was?

A. Possibly a Ford or Plymouth, I don't know for sure.

Q. A Ford or what?

A. A Ford or Plymouth.

Q. Did you observe anything else about it?

A. Nothing in particular. There was—

Q. What?

A. There was a sticker, a CIO sticker on one of the windows of the car.

MR. LAUTER: At this time, if you please, Mr. Examiner, I want to object to the testimony along this line and move to strike out all of the testimony given thus far by this witness, on the ground there is nothing connected with anything else given on the direct case with the Board, no point in the hearing about a crash that took place on the viaduct.

TRIAL EXAMINER LINDSAY: I will sustain the objection. Let the record show an exception, unless you show in connection with that—

MR. DAY: Unless we show what?

TRIAL EXAMINER LINDSAY: Unless you connect it up. This does not show anything, Mr. Day.

MR. DAY: Well, this is all a part of the whole transaction.

TRIAL EXAMINER LINDSAY: I understand. The objection is sustained.

MR. DAY: Unless we connect it up with what, may I ask?

TRIAL EXAMINER LINDSAY: You ought to know.

MR. DAY: Well, we show this is a CIO car, a CIO sticker. Very short time before the riot that they went into, down in Washington.

MR. LAUTER: If you please, Mr. Examiner, the fact that an automobile having a CIO placard on it gets into a crash somewhere in the city of Massillon is no reason for introducing evidence upon that subject in this hearing.

TRIAL EXAMINER: I sustain it.

MR. LAUTER: Just to suggest, do you mean that there is any connection between the accident on the viaduct and a shooting that took place at 11 o'clock in the evening, is absolutely absurd.

MR. DAY: Now, you say it is absurd—

TRIAL EXAMINER LINDSAY: I sustain the objection. Proceed.

MR. DAY: All right. Exception. I offer to prove by this witness—I offer to prove that two cars ahead of the car driven by this witness were proceeding southerly on South Erie Street close to the center of the roadway, and that he was directly in back of them; that traffic was moving slowly, and suddenly one car made a righthand turn in back of him and drove between the north curb and his car and also past the other two cars in front of the witness while at about the same time another car, a greenish gray sedan with a CIO sticker, which was a Ford or a Plymouth, travelling north on Erie Street, made a lefthand turn on the Oberlin Road Viaduct, drove past the witness' car as well as the other two cars ahead of the witness' car and collided with the car which had just passed the witness on the right, with the result that it was to blockade the entrance into the —

TRIAL EXAMINER LINDSAY: Now—

MR. DAY: Was to block—

TRIAL EXAMINER LINDSAY: That is a conclusion there.

MR. DAY: What is that?

TRIAL EXAMINER LINDSAY: That is a conclusion that you are putting in now.

MR. DAY: Well, that is what he will testify.

TRIAL EXAMINER LINDSAY: He can't testify to a conclusion. The record will show for itself.

MR. DAY: Let me make that offer to prove, first. I understand it.

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: All right.

Q. Don't answer this. Did you see the position of the cars after the crash?

A. No, I didn't.

Q. All right. After the crash occurred, what did you observe as to people being there?

A. There were people came up all around the car.

MR. LAUTER: I am going to object to any further questions being addressed to this witness. If there is an offer of proof—

MR. DAY: You cannot offer to prove until you ask a question.

MR. LAUTER: I am sorry, that is unusual in my experience.

MR. DAY: An offer to prove is an offer to prove.

TRIAL EXAMINER LINDSAY: Read the question.

(Question read.)

TRIAL EXAMINER LINDSAY: The objection to that question is overruled. It is outside of the scope of the offer to prove.

MR. LAUTER: I would like to find out whether the offer to prove has been completed at this time or not.

MR. DAY: The offer of proof with relation to the question as to which an objection was sustained has been completed, yes, sir.

MR. LAUTER: Then I want to renew my objection to the offer of proof and get a formal ruling on it from the Examiner.

MR. DAY: To the offer of proof?

TRIAL EXAMINER LINDSAY: Well, your objection to the offer to prove is overruled, and let the record show an exception.

MR. DAY: Let me get this straight. The truth is out and the offer is in, is that right?

TRIAL EXAMINER LINDSAY: Well, that is right.

MR. DAY: Well, I know the ordinary rules but

what is going on here, I do not know.

TRIAL EXAMINER LINDSAY: Well, didn't I just say that? You don't need it in the record half a dozen times.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: Proceed.

Q. And then what did you see happen?

A. They moved the car back away from the entrance to the viaduct and some officer of the law—

Q. What?

A. Some officer of the law came walking aside the car and he said, "Get across the viaduct as fast as you can." And we proceeded across. The first car went across pretty rapidly, the car ahead of me did not seem to go ahead quite as fast and we were slower in getting across the viaduct.

Q. Well, did you see anything else happen there that night at that time?

A. One tall slim fellow standing to the left of my car, he had on light trousers, light shirt, thin light hair, and he had a large caliber gun sticking in the waistband of his trousers.

Q. What if anything did you see him do?

A. He—

MR. LAUTER: Just a minute. I want to object to the question on the ground there isn't any connection with any of the parties to this action or the issues in this case. What a man in light trousers did on the viaduct is unrelated to any of the issues in this case.

TRIAL EXAMINER LINDSAY: Go ahead. Proceed.

Q. What else happened that you saw?

TRIAL EXAMINER LINDSAY: Objection is overruled. Let the record show an exception.

Q. What else did you see happen?

A. I saw one fellow with a club break a window in an automobile there and I think it was the window in the rear

of the car that they pushed back that had the C. I. O. sticker on it.

MR. LAUTER: Will you read the answer?

TRIAL EXAMINER LINDSAY: Read the answer, please.

(Answer read.)

Q. Did you see anything else there at that time? Well, if you didn't, did you hear anything at that time?

A. I didn't hear anything. I heard one shot fired just shortly after the cars crashed.

Q. Where were you when you heard the shot fired?

A. About, I was just turned halfway, possibly, into the viaduct entrance.

Q. Could you tell from what direction the shot came or the sound of it came?

A. No, I could not.

Q. Afterwards where did you go?

A. I crossed the viaduct to the west end of the viaduct and turned south to the steel mill office, the mill office, not the main office, the mill office.

Q. The mill office?

A. Yes, sir.

Q. Where is the mill office located as distinguished from the main entrance?

A. The mill office is south of the sheet mill division and the main office is west on Oberlin Road from the west end of the viaduct.

MR. DAY: Have we got any thumb tacks, Judge? We can then put this up. If we cannot, I won't take the time to get them.

MR. PONTIUS: I do not think we have.

TRIAL EXAMINER LINDSAY: I understand the map, Mr. Day, and I understand where the roads are.

MR. DAY: Do you understand where the mill office is? I don't. The main office, but not the mill office.

TRIAL EXAMINER LINDSAY: He pointed it out once or twice.

MR. DAY: He said the mill office. That is the reason I want to take the map, because he refers to a mill office, and it is the first time I have heard it.

Q. Now, Mr. Wood, take the map—

TRIAL EXAMINER LINDSAY: You have it upside down, haven't you?

MR. DAY: I would not be surprised because I am never any good with maps.

TRIAL EXAMINER LINDSAY: Turn it around.

MR. DAY: This way all right?

Q. Now, will you locate on that map, after looking at it, so you can get some hang of it, where the mill office is that you are talking about?

A. It would be over in this direction, over here somewhere (indicating).

Q. How near is it to what is marked District Office there?

A. Oh, about a quarter of a mile from the mill office to the District Office.

Q. What street is the mill office on?

A. It is not on any street at all. It is a private company road proper.

Q. Do you get the lay of the property?

A. No.

Q. Do you want it the way I had it, or do you want it this way?

(Map turned around.)

Q. (By Mr. Day) Here is Erie Street?

A. Here is Erie Street.

Q. And there is the viaduct and there is Oberlin Avenue, there is the District Office building, and here is the sheet division, there is the C. I. O. headquarters, and there is Cleveland Street (indicating). Can you now locate the mill office?

A. It would be about down in here.

Q. Will you mark an X where it ought to be?

TRIAL EXAMINER LINDSAY: Put it where you think it should be.

(Witness indicates.)

Q. That is where it is approximately?

A. Yes.

Q. Is that where you went?

A. Yes, sir.

Q. Is that where you work?

A. Yes, sir.

Q. About what time did you go to the mill office, would you say?

A. Around about 10:30 or 10:36 or 7, when I rang in.

Q. How long were you in the mill office?

A. That night?

Q. Yes.

A. I was in the mill office until 7 o'clock the next morning.

Q. The next morning?

A. Yes, sir.

Q. Now after you got in the mill office, what if anything did you observe?

A. There wasn't anything at all. I called the open hearth department and asked them if everything was O. K. up there and they reported it was and I called the soaking pits and asked them if everything was O. K. there, and it was. I called the superintendent and advised him there had been some trouble at the east end of the viaduct and that I had gotten in O. K. and everything was all right in the mill.

Q. Well then, what, if anything, did you observe after that?

A. After that I heard several shots and saw flashes that seemed to come from an old sand bank up on Erie Street.

Q. Where were you when you saw those flashes?

A. In front of the building.

Q. And you say you heard shots?

A. Yes, sir.

Q. You say you saw flashes. Will you describe a little more accurately what kind of flashes they were?

A. They were just sharp flashes.

Q. Where were the flashes that you saw?

A. They seemed to be coming from an old sand bank or up on top of that sand bank, which is 150 to 200 feet high from the street.

Q. The sand bank is near to or adjacent to what street, if any?

A. It is exactly opposite the viaduct.

Q. Exactly opposite the viaduct?

A. Yes, sir.

Q. Well now, can you take the map? Now starting back, place about where that sand bank was that you saw the flashes seemed to be coming from.

A. About here (indicating). Put this north and south.

Q. All right. There is the mark you made there, that X for the mill office.

A. Here is how I want it (indicating). The sand bank lays across this street here, right opposite this viaduct.

Q. What is the name of that street?

A. Erie Street.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Will you point out the mill office again?

TRIAL EXAMINER LINDSAY: You will have to talk louder because what you say goes into the record or at least should.

A. That is where I have an idea it is there (indicating).

Q. You were in the building here?

A. Yes, sir.

Q. About what time?

A. It was possibly 10:45. I had made my phone calls, 10:45.

TRIAL EXAMINER LINDSAY: You will have to raise your voice.

Q. (By Mr. Lauter) Is there a building here called the mill office?

A. Yes, sir, there is.

Q. And where in that building were you?

A. I was standing in front of the building on the steps when I heard the shots and saw the flashes.

Q. Where did the steps face, what street?

A. The steps faced, this is Erie Street here (indicating).

Q. You mean the steps faced in that direction there (indicating)?

A. Yes, sir.

Q. Is there any building in between the steps and Erie Street?

A. No, sir, there is not.

Q. What about the employment office and hospital?

A. Well, the hospital is not in between.

Q. Where is that located with respect to the mill office?

A. From where I was standing facing north, the hospital and employment office are over to the left.

Q. Which way is north on this map, do you know?

A. That is what I have been trying to find out.

TRIAL EXAMINER LINDSAY: The last remark you made the Reporter did not get it at all.

Q. North is in that direction, is that correct?

A. Yes.

Q. Where do the steps face?

A. The steps face east.

Q. This is east (indicating)?

A. Yes, sir.

Q. That means you were facing in the direction of Erie Street?

A. Yes.

Q. Are there any buildings there at all?

A. No, there are no buildings. You can see directly from the mill office here over onto Erie Street, you can see the entire length of the viaduct along there.

Q. How many blocks away is that?

A. Oh, I would say in the neighborhood of 10 blocks or so, something like that.

Q. Or maybe more?

A. I would not say it was more than that, about 10 blocks.

Q. About 10 blocks away?

A. Yes.

Q. You saw flashes?

A. Yes.

Q. You don't know who fired those guns?

A. No.

Q. They were gun flashes?

A. Yes, sir.

Q. You testified about seeing a man in light gray trousers with a gun, is that right?

A. Yes, sir.

Q. Can you identify him?

A. No, I could not.

Q. Do you know whether he ever shot that gun off?

A. I don't know.

Q. Do you know whether the police shot off any weapons at the viaduct that night?

A. On the east side of the viaduct, I don't know.

Q. On any side of the viaduct?

A. No, I don't.

Q. How late did you stay in the mill that night?

A. I was there until 7 o'clock the next morning.

Q. Did you hear any shooting that night?

A. I heard shooting that night, yes.

Q. Did you look out to see where it was?

A. No, I didn't. Not after the heavy shooting had started.

Q. You say not after the heavy shooting had started?

A. Yes.

Q. Did you see the heavy shooting?

A. No, sir.

Q. Did you look out at all?

A. Not after the first part, after I had gone into the mill.

Q. After the flashes you saw in Erie Street, you did not look out to see them?

A. No, sir.

Q. You heard shooting, though?

A. Yes, sir, that is right.

Q. But you did not look out to see where it came from?

A. No, sir, I didn't.

Q. You said you saw a sand bank on Erie Street, is that right?

A. Yes, sir.

Q. Can you see that 10 blocks away?

A. Yes, sir.

Q. You could see 10 blocks away that the flashes came from behind a sand bank?

A. Not from behind the sand bank. These flashes that I saw looked as if they came from off of the top of the sand bank.

Q. From the top of the sand bank?

A. Yes, sir.

Q. Where is that sand bank, is it on Erie Street?

A. Yes, sir, on Erie Street, right opposite the viaduct.

Q. After May 25th did you try to leave the mill?

A. I didn't.

Q. You wanted to stay in the mill, is that right?

A. Right.

Q. What is your position in the mill?

A. Clerk.

Q. How long did you stay in the mill?

A. From the 25th of May until the 2nd of June.

Q. Just what are your duties as clerk in the mill?

A. I scheduled the open hearth furnaces, that is, gave them their proper heats, I scheduled the blooming mill where the steel is rolled and cut into billets.

Q. How much pay did you receive for the work you did there each day?

A. I received regular pay.

Q. That is for eight hours?

A. Yes, sir.

Q. Is yours a foreman's job or the equivalent of a foreman's job?

A. It is more or less contact work and my work is all at night. I do not work any days.

Q. I am asking you if it is the equivalent of a foreman's job?

A. No.

Q. Do you have any supervisory tasks at all?

A. Only to see that the proper heats are made in the furnaces and so forth, like that.

Q. Do you direct the actions of any of the men?

A. No.

Q. You were given a cot also?

A. Yes, sir.

Q. Those cots were in there the night of the strike, is that right?

A. What is that?

Q. Those cots were in there the night of the strike?

A. There were cots in there the first night.

Q. Did you sign any Back-to-Work petition?

A. I did.

Q. Where did you sign it?

A. At the Chamber of Commerce Building, Massillon.

Q. How did you happen to go there?

A. I had gone down the street that morning and I met quite a few on the street, different fellows from the mill, and they said they was going to vote about going back to work and it was going to be held in the bank building but somehow or other they abandoned that plan of voting in the bank building and shortly afterwards they said we would vote in the Chamber of Commerce Building. Then we went over there and voted in the Chamber of Commerce office.

Q. You say you went to the Chamber of Commerce and voted?

A. Yes, sir.

Q. Is that what you understood you were doing when you signed a Back-to-Work petition?

A. I was signifying my willingness to go back to work.

Q. Who suggested to you it was a vote?

A. Nobody suggested to me it was a vote.

Q. Who did you talk with about signing the petition? I am not interested in their names, only whether they were foremen or not.

A. There were no foremen that I know of.

Q. When did you return to work?

A. The 9th day of July, when the open hearth furnaces were started.

Q. Who told you to go back to work?

A. The manager of the order department called me back and told me I should report to work at 11 o'clock on the night of the 9th.

Q. Who was the manager that called you back to work?

A. Mr. McArdle.

Q. Did you know if he called the other men to come back to work?

A. I don't know.

Q. Did other men come back to work at the same time you did?

A. I don't think there was. There was some in there, possibly three or four, possibly four days before I was.

Q. Did you have any conversation with them before you returned to work?

A. No, sir, I didn't.

Q. You say you didn't know that the shooting that was done on the viaduct was done by policemen? Is that right?

A. No, I didn't.

Redirect Examination

Q. (By Mr. Day) You started at 11 o'clock that night to work?

A. Which night?

Q. That night I am asking you about?

A. Yes, sir, I started at 11 o'clock that night.

Q. You worked until when?

A. 7 o'clock in the morning.

Q. That was an 8 hour shift?

A. Yes.

TRIAL EXAMINER LINDSAY: We will have a recess.

(Witness excused.)

(Recess.)

ANDREW LABER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?

A. Andrew Laber.

Q. Where do you live?
A. 807, 6th Street, S. W., Massillon.
Q. What is your business?
A. Millwright.
Q. You work for—
A Republic Steel.
Q. How long have you worked for Republic Steel?
A. Between three and four years.
Q. Directing your attention now to Sunday evening July 11th, where were you about 10 or 10:30?
A. I was on—going on south Erie Street.
Q. And were you in an automobile?
A. Yes, sir.
Q. Driving it yourself?
A. Yes, sir.
Q. Anybody with you?
A. No, sir.
Q. Where were you bound for?
A. To the mill.
Q. Going down to work by your usual route, that night, where would you turn off South Erie?
A. Well, I was—it was Sunday night and I needed a few things for lunch, and I was going to stop at Anthony's before I went, but I thought it would be a little late, so I went right on, I didn't stop. I generally went down Tremont Street or either over Walnut.
Q. Well, was there a route down there, down South Erie and across the viaduct that was frequently taken by men working in the mill?
A. What is that?
Q. Was there a regular way of getting to work down South Erie to the viaduct, and then across the viaduct?
A. You mean, that is the way I went?
Q. Yes.
A. I went down South Erie and across the viaduct, west.

Q. Was that a usual way of men going to work?

A. Well, sometimes I walked over through the Heights or either rode with someone that drove, I mostly drove.

Q. Was it customary for men working in the mill down there to drive their automobiles down in South Erie and then turn into the viaduct?

A. Well, I don't know. A fellow could go up Sixth Street or I mean down Sixth—

Q. I know he could, but was it a usual thing for him to go down the way I am telling you.

A. Yes.

Q. All right. And what happened that night when you were driving down?

A. Well, I got close to the viaduct on South Erie and the cars commenced to stopping and jamming up, and I stopped behind the other cars about in the middle of the car track.

Q. Then what happened?

A. Just about—I was about the 4th, 3rd or 4th car back from the viaduct and close to that there is a building on the left, on the right of the street, and just as I stopped at least two or three men close to the car and there was a bunch of bottles breaking on the street, so I backed across the street.

Q. Tell me about the bottles breaking on the street.

MR. LAUTER: May it please the Examiner, at this time I would like to note my objection to this testimony on the ground incompetent, irrelevant, and immaterial, the fact that an accident took place on the viaduct, whether glass was broken at that particular point because of the crash of the two cars is in no way related to the issues in this case.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

Q. Go ahead, you are telling about bottles, go ahead.

A. Well, at first I seen some glass break on the street,

I suppose that it was a bottle, but I thought it might have been some trouble.

TRIAL EXAMINER LINDSAY: Don't tell what you thought.

Q. Don't tell what you thought.

TRIAL EXAMINER LINDSAY: Just a second, let's get this straight.

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Strike what he thought out of the record.

Q. Don't tell what you thought, or what you suppose. Just tell what you saw and what you heard.

A. There was some glass breaking on the street in front of my car. I backed across the street. There was a gasoline station there and a vacant lot by the side of that. I backed in across the street and stopped, headed toward the center of the street.

Q. Then what did you see happen?

A. At this time I seen two young fellows standing there at the side of my car, on the back. One fellow come down from the south, west side of the street, he had something in his hand, I don't know what it was. But as he took towards my car I got out, and I suppose he was going to throw something out of the window, I didn't know.

TRIAL EXAMINER LINDSAY: Wait a minute.

Q. Don't tell what you suppose.

TRIAL EXAMINER LINDSAY: Strike that out of the record. You know what an oath is, don't you?

THE WITNESS: Yes, sir.

TRIAL EXAMINER LINDSAY: All right.

Q. Just tell what you saw and try not to say what you suppose or what you thought. Just what you saw. Go ahead and tell us what you saw.

A. Well, I saw a few policemen around there, a few men. That is about all I seen.

Q. Now, you told a minute ago that you got out of your car. After you got out of your car what happened?

A. Well, the fellow started towards the car and I said—I supposed he was going to throw a rock through the windshield and I said—

TRIAL EXAMINER LINDSAY: What was this?

THE WITNESS: The fellow started towards the side of my car and I got out and I supposed he was going to—

TRIAL EXAMINER LINDSAY: All right, now, strike that out. I struck it out before, and leave what you supposed was going to happen out of it.

Q. Well, now, when the fellow came up to your car, just describe his appearance? What was he doing?

A. He started towards the car.

Q. Yes, and then what did you do or what did you say?

A. Well, I got out of the car.

Q. Then what did you do and what did he do?

A. He starts and run across the street.

Q. Then what was the next thing you saw happen?

A. Then a police running down the street.

Q. Yes.

A. And then I seen two or three more fellows running down the street.

Q. Now, have you told all that you saw there?

A. That is all I saw.

Q. By way of refreshing your recollection, did you see any bricks thrown or anything thrown that night?

MR. LAUTER: I will object to that question, it is definitely leading.

MR. DAY: Well, I say, "by way of refreshing his recollection."

MR. LAUTER: That is an odd way of refreshing it.

TRIAL EXAMINER LINDSAY: The objection is sustained to that.

Off the record.
(Discussion held off the record.)
Q. (By Mr. Day) What else did you see?
A. Well, that is about all.
MR. DAY: That is all.
TRIAL EXAMINER LINDSAY: Off the record.
(Discussion held off the record.)

Cross Examination

Q. (By Mr. Lauter) You say you saw some police and some men before you got out of your car?
A. Yes, sir.
Q. You testified about some glass breaking?
A. Yes, I heard or seen the glass break on the car across the street.
Q. You don't know who broke the glass?
A. No, I don't.
Q. You don't know what policemen were there?
A. There was a police standing there oh, I suppose in the center of the street.
Q. I asked you whether you identified any of the policemen?
A. No. Until afterwards. After it was over. There was one man—
Q. Can you identify any of the police?
A. Not the city police.
MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Day) Mr. Lauter, that is the lawyer over there, asked you while you were in your car, you saw a man and saw police, and you said yes. Tell us everything you

saw the man and the police do.

A. Well, I seen one man throw something through a car window and run down the street, and the police after him, and he ran about a half a block, I suppose, and I think he caught him, I don't know that.

TRIAL EXAMINER LINDSAY: Strike that out of the record.

Q. All right, anything else you saw either the man or the police do?

A. No.

MR. DAY: That is all.

Recross Examination

Q. (By Mr. Lauter) Did you see the police shoot him?

A. No.

MR. LAUTER: That's all.

(Witness excused.)

HARRY W. GREEK

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Harry W. Greek.

Q. Where do you live?

A. Well, I live in Massillon and I have a summer cottage.

MR. LAUTER: Excuse me, before we proceed with this witness, I would like to move to strike the testimony given by the other witness, on the ground

there is no connection with any issues in this case or with any parties to this action.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that objection. Let the record show an exception.

MR. DAY: Exception.

Q. Where do you live?

A. In Massillon, 1023 Main Avenue West, and I have a summer cottage at Luna Lake. I live there in the summer time.

TRIAL EXAMINER LINDSAY: Off the record.

(Discussion held, off the record.)

MR. DAY: I make this statement in the record, or out of the record, whichever the Examiner wants it, that we have subpoenaed certain police officers and they can't be here possibly until Tuesday. Now we think that the testimony of this police officer will connect these transactions up.

TRIAL EXAMINER LINDSAY: Oh, that is out of the record. That is entirely out of the record.

MR. DAY: Leave it out of the record.

TRIAL EXAMINER LINDSAY: Leave it out of the record.

MR. DAY: But we find ourselves in the position now of having all of the witnesses we have—along the same general line of these witnesses—Now we think the police officers will connect it absolutely, we think—

TRIAL EXAMINER LINDSAY: Why don't you put your police officers on?

MR. DAY: We hadn't subpoenaed them. Those were only subpoenaed—those were the subpoenas you signed up this morning, see?

TRIAL EXAMINER LINDSAY: That is a situation we can take care of.

MR. DAY: I know, but the point is this, that if this witness—if these witnesses testify and their testimony is excluded, then we will have to call them back.

TRIAL EXAMINER LINDSAY: It is not excluded. It is in the record. It is just a motion to strike.

MR. DAY: Well, but it is stricken out.

TRIAL EXAMINER LINDSAY: No, it is not stricken out. You don't get this straight. It is in the record, some place, and then underneath that is—all there is there, that the lawyer has a motion to strike and that motion is sustained.

MR. DAY: Yes, but here is the trouble with that, in the trial of the case, this testimony is in the record, but it is not testimony that is being considered by you.

TRIAL EXAMINER LINDSAY: That is right.

MR. DAY: That is right. Now, then, we feel confident that if we had the police officer's testimony first, we could make a record by which you would admit the testimony that is now excluded.

TRIAL EXAMINER LINDSAY: Well, if that does happen, then what follows?

MR. DAY: We have to put these men back on again.

(Discussion held.)

Q. Where did you work?

A. Republic Steel, coke plant.

Q. What is your position there?

A. Turn foreman.

Q. Were you working the night of the strike on May 25th?

A. Yes, sir.

Q. How long did you continue to work there after the strike?

A. I haven't quit working.

Q. You quit the night of the strike?

A. What is that?

Q. You quit the night of the strike?

A. No, I haven't quit. I worked through the strike and I am still working.

Q. Oh, you have been there all the time?

A. Yes, sir.

Q. Now, on Sunday evening, July 11th, about half past 10, where were you?

A. I was on my way to work.

Q. What?

A. I was on my way to work.

Q. How were you going to work?

A. Going by the way of South Erie Street to the viaduct.

Q. Is that the way you usually went?

A. Well, not usually, no.

Q. Well, was that a way that was frequently used by employees of Republic Steel to go to work?

A. Yes, sir.

Q. And were you driving an automobile or walking?

A. I was driving an automobile.

Q. Was anybody with you?

A. Yes, sir.

Q. Who?

A. James Bell.

Q. Who is he?

A. He is a colored boy. He is a hot car man on my shift.

Q. On your shift?

A. Yes, sir.

Q. Will you tell us just what happened?

A. Well, as I was nearing the viaduct, I was in front of the confectionery, I think it is the second place from the viaduct north on Erie, when there was a crash on the viaduct right at the entrance of the viaduct and it tied up the traffic and we had to stop. There was—

Q. Did you see either of the cars or any of the cars that were in the crash?

A. No, I didn't It was around the corner, I couldn't see that.

Q. What happened to your car, if anything?

A. Well, while I was parked there near the viaduct, there was a machine coming, coming north on Erie Street and as he neared my car, he turned over to the west side of the street and crashed into the left front wheel of my car.

Q. Did you see who was driving the car?

A. Well, I saw the man, but I didn't recognize him.

Q. After the smash took place, what if anything did you see him do?

A. They both jumped out of the car and ran north on Erie Street.

Q. Then what happened?

A. Well, at the time of the crash, there was a crash on my windshield and glass flying, so I immediately locked the doors on the car and sat still until things quieted down.

Q. Do you know Walter Hoopengarner when you see him?

A. Yes.

Q. That is spelled H-o-o-p-e-n-g-a-r-n-e-r?

A. Yes.

Q. Who is he?

A. Well, he is connected with the C. I. O. and he works at Republic Steel but what department, I don't know.

Q. Did you see him that night?

A. Yes, sir, I did.

Q. When did you see him with relation to the crash?

A. Well, right at the time of the crash as I was parked there I saw Hoopengarner run into this confectionery and at that time there were probably 15, 20 men come running out of the confectionery.

Q. They came running out?

A. Well, maybe not running out, but they all came out.

Q. Now after they came out—

MR. LAUTER: Let the witness finish the answer, please.

MR. DAY: What?

MR. LAUTER: The witness had not completed his answer as to whether they were running out.

A. I don't remember exactly if they ran out. They filed out of the place of business.

Q. Then what happened, how many of them came out?

A. I would judge between 15 and 20.

Q. Then what did they do?

A. Well, they mingled with the crowd there. I don't say they destroyed property or anything but the police immediately started chasing them down North Erie Street.

Q. North of what street?

A. North Erie Street.

Q. Chasing who?

A. The men that came out of the confectionery.

Q. With Hoopengarner?

A. Well, I didn't see—

Q. Or after Hoopengarner went in?

A. After Hoopengarner went in.

Q. What happened to you?

A. As soon as the police had the mob cleared out, I pulled the fender away from the wheel and backed up and went on to work.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) You are turn foreman, did you say, Mr. Greek?

A. Yes, sir.

Q. In what department do you work?

A. Coke plants.

Q. And you have worked continuously since May 25, 1937, is that correct?

A. Correct.

Q. How many men are there working under you?

A. It varies. On day turn I have around 25, 30 men, on the night turns we have around 13 to 15 men.

Q. Did you ever try to leave the plant subsequent to May 25th?

A. No, sir.

Q. Did you want to stay inside the plant?

A. Yes, sir.

Q. How long did you remain in the plant?

A. Until, I think it was July 2nd, the evening of July 2nd.

Q. Did the men on your turn stay in there?

A. No, sir.

Q. Did they all leave?

A. They all left.

Q. When did they return to work?

A. The exact date, I cannot tell you. It was between, right around the 7th, I would say.

Q. Did you have any conversation with them prior to July 7th on your turn?

A. I saw three or four of them downtown on the evening of the 2nd.

Q. On the evening of the 2nd?

A. Yes, sir.

Q. That is the day you returned to work?

A. That is the day I left the plant.

Q. That is the day you left the plant, I am sorry. Will you detail the conversation you had with some of the men on your turn?

A. They asked me when the plant was going to start and I told them I didn't know.

Q. Did you ever suggest to any of the men on your turn that they ought to go back to work?

A. No, sir.

Q. Have you ever circulated any Back-to-Work petitions?

A. No, sir.

Q. Have you ever signed any yourself?

A. No, sir.

Q. What pay did you earn when you were in the mill?

A. I got 16 hours a day.

Q. What is that?

A. I got paid for 16 hours a day.

Q. How many hours did you actually work?

A. It varied anywhere from 8 to 18.

Q. So on the days you worked 8, you got paid for 16 hours, is that correct?

A. I got 16 hours straight through.

Q. Regardless of whether you worked 8 or 10 or 12 or more, is that correct?

A. Yes, sir.

Q. On July 11th, about what time did you start to arrive at the plant, when did you leave your home?

A. Well, I was at the Lake that evening and I usually leave the Lake between a quarter of 10 and 10. 10, quarter of 10, when I leave the Lake.

Q. How far is the Lake from the plant?

A. It is about 15 miles.

Q. How long does it take you to drive to the Lake?

A. Well, it varies with traffic and everything, anywhere from 20 to 45 minutes.

Q. How long did it take you on the night of July 11th?

A. Well, it was about 10:30 when I arrived at the viaduct.

Q. You say a car crashed into your car, is that correct?

A. Yes, sir.

Q. But you are not able to identify the car?

A. Well, as far as the license goes, I could not tell you what the license plate was.

Q. You cannot identify any of the men who were in the car?

A. I haven't tried.

Q. What is that?

A. I haven't tried.

Q. Although your car was damaged?

A. Yes.

Q. You say a man by the name of Hoopengarner went into a confectionery, is that correct?

A. Yes.

Q. Did he run into the confectionery or did he walk?

A. Well, he was on a dog trot when he went in there.

Q. On a dog trot?

A. Yes.

Q. And 15 to 20 men came out. Were they also on dog trots or were they walking?

A. I don't remember.

Q. Do you remember how many came out of the confectionery?

A. I told you between 15 and 20.

Q. How large was the crowd that they mingled with?

A. Well, I would judge there was 40, 50 people around the viaduct there at least.

Q. That was 40 or 50 without the 15 or 20 that mingled or with?

A. With.

Q. So there were 30 people standing around the viaduct who were neither walking nor running?

A. They were around the viaduct.

Q. Standing there?

A. I didn't notice many people there until the crash.

Q. Well, at the time of the crash, did you notice that there were about 30?

A. Absolutely.

Q. Where were they standing with respect to the confectionery?

A. They were every place, the street, the sidewalk, every place.

Q. Was it after the crash that the 15 or 20 men came out of the confectionery?

A. It was after the crash that the men came out, at the entrance of the viaduct, yes, sir.

Q. And you do not know whether Mr. Hoopengarner called them out or whether they came out because of the crash, do you?

A. I don't know.

Q. Was there a loud noise as a result of that crash?

A. I could hear it very plainly in my car, yes.

Q. And they could hear it very plainly in the confectionery?

A. I do not know.

Q. You say you did not see any of these 15 or 20 men destroy any property, is that correct?

A. No, I didn't see them. The only thing was, they broke a bottle on my windshield.

Q. Yes. By they you mean all the 15 or 20?

A. I don't know who did, one of the men.

Q. You don't even know if it was one of the men who came out of the confectionery?

A. It happened right after they came out.

Q. But you don't know who threw the bottle, if it was thrown?

A. No.

Q. And you do not even know if it was a bottle?

A. It was a bottle. And I later found out it contained acid.

Q. Did you find the bottle?

A. I found the pieces.

Q. How do you know it contained acid?

A. Because I had a chemist at the laboratory test it.

Q. Where did they take the glass from with which they made the test?

A. They took a piece of glass that was laying on my windshield.

Q. You say that the two men who were in the automobile ran away, is that correct, after the crash?

A. Yes, sir.

Q. And the police chased them?

A. Yes, sir.

Q. Did you see any police do any shooting?

A. No, sir.

Q. Did you hear any shots that night?

A. I didn't hear any shots.

Q. How long did you remain at the scene of the accident?

A. Well, long enough to get out of it. I would say between five and ten minutes.

Q. Did they clear the entrance of the viaduct rather quickly?

A. Yes, sir.

Q. And the cars kept going right through, is that right?

A. Yes, sir.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) Mr. Lauter asked you if they cleared the entrance to the viaduct rather quickly. What was the condition of the viaduct? You saw it before they started to clear it.

A. I could not see the entrance to the viaduct from where I was. I heard a crash over there and the fellows ran over there to clear the way. I could not see what was going on. I stayed in the car.

Q. Now, did that crash take place before your car had the contact with the other car or afterward?

A. Before.

MR. DAY: That is all.

Recross Examination

Q. (By Mr. Lauter) About how long before?
A. Well, it was a matter of seconds.
MR. LAUTER: That is all.
MR. DAY: That is all.
(Witness excused.)

TRIAL EXAMINER LINDSAY: In order to give you time, Mr. Day, to get your witnesses lined up for Tuesday morning, we have just got the subpoenas, we will adjourn until Tuesday morning at 9:30.

(Wherepuon, at 4 o'clock p. m., September 3, 1937, the hearing in the above-entitled matter was adjourned to 9.30 o'clock a. m., September 7, 1937.)

Courtroom No. 1, Stark County Courthouse, Canton, Ohio
Tuesday, September 7, 1937

The above entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before

JOHN T. LINDSAY, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., and Arno G.

Erdrich, Esq., (Cleveland, Ohio), and H. C. Pontius, Esq., (Canton, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

WILBERT D. MOORE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) You are Wilbert D. Moore?

A. Yes, sir.

Q. Where do you live, Mr. Moore?

A. 2615 Lincoln Way East, Massillon, Ohio.

Q. What is your business?

A. Police officer in the City of Massillon.

Q. How long have you been a police officer of the City of Massillon?

A. Going on 14 years.

Q. Now, you may state whether or not you are familiar with the location of the plant of the Republic Steel Company.

A. I am.

Q. Their plant in Massillon?

A. I am.

Q. From and after May 25, 1937, were you about that plant?

A. Very near continually.

Q. What was your method of going about in the city there?

A. Motorcycle.

Q. Tell us, if you will, please, the conditions that existed concerning the men of the plant after the strike began; with reference to what part of the streets?

A. Well, there was a number of pickets. For a while a lot of clubs, and finally they had stones, and finally a court order—

MR. LAUTER: I ask that the time be fixed.

TRIAL EXAMINER LINDSAY: Yes. The time should be fixed.

Q. Well, from the beginning of the strike on until the beginning of the court order? What was the conditions?

A. Well, they had these clubs, stones lying around. A car going by, they would holler "Scab," and stuff like that.

Q. Can you describe the clubs that they had?

A. Anything from ball bats to tree roots; large limbs off the trees. Some of them whittled into the shapes of clubs.

Q. Did you notice anything other than the clubs in their hands?

A. No, sir, I didn't.

Q. Now, where were these men that carried the clubs located?

A. Well, all along the Oberlin Road.

Q. What would you say as to the number of these men from time to time?

A. They varied sometimes from 40 to 50, sometimes more.

Q. Do you know where the entrances are of the Republic Steel mills located?

A. Yes, sir.

Q. Where were these men in reference to those entrances?

A. They had cars in front of the gates. Men standing in front of both gates.

Q. How long a period of time did that situation continue?

A. Well, it is still existing. There are pickets there—not so many.

Q. I mean the cars.

A. Up until the men went back to work.

Q. Do you know when that was when the men went back to work?

A. What?

Q. Do you know when that was when the men went back to work?

A. I believe it was the 3rd or 4th of July; I am not sure just when it was.

Q. Now, you may state whether or not you know a man by the name of Burke?

A. I do.

Q. Do you know what part he had there in the street on the picket line?

A. He was captain of the picket post for quite a while.

Q. Did you have any conversation with him at any time?

A. I did.

Q. Where did you have that conversation?

A. In front of the main office of the Republic Steel in Massillon.

Q. Were you with him at that time?

A. Yes, sir, and Officer Hodge.

Q. When did you have this conversation with Burke?

A. On Friday; the 10th of July.

Q. What was said by Mr. Burke in that conversation?

A. Him and Hodge had been talking—they had been working together in the mill. Hodge said to him: "Red, why don't you go back to work?" He said: "I will when the strike is over." He said: "Anyway they will know who is running this God damn show in 48 hours."

Q. Do you know where the C. I. O. quarters were located there in Massillon?

A. Yes.

Q. Where were they located at that time?

A. On Cleveland Avenue.

Q. On and prior to July 11th, were the officers, the police officers, stationed at any point on Cleveland Avenue?

A. Yes, sir, about 100 feet south from the CIO headquarters.

Q. Just describe what the situation was there as to the location of the officers, and what arrangement was made there?

A. Well, there was three men there to check the picket cards and trying to keep order.

Q. That is, in other words, if somebody wanted to go down from there to the plant, they showed cards to these officers, and they let them through?

A. Yes, sir, yes, sir.

Q. Were you there at that post at times?

A. On and off, yes, maybe a dozen times a day I would come there. I did not stay there regularly.

Q. Now, could you see from that point where you officers were stationed—could you see north to the CIO Hall?

A. Oh, yes.

Q. Was there anything there at all, to obstruct your view?

A. Nothing.

Q. Do you know a man named Mike Rudak?

A. Yes, sir.

Q. Did you see him at any time?

A. On Saturday afternoon of July 10.

Q. Where did you see him?

A. At this post of the officers on Cleveland Avenue.

Q. Did you see where he came from, to the post?

A. He came out of the CIO Hall.

Q. Do you recall what officers were there at that time?

A. I believe Officer Henderson, Hodge, and Kraft.

Q. About what time of the day was this, if you recall?

A. Oh, I should judge around 4 o'clock in the evening.

Q. Did you have any conversation with this Mike Rudak at that time?

A. I did.

Q. Relate what was said.

A. He came down and said, "You officers had better watch, they are coming down and get you," he says, "I am a friend of the policeman."

Q. Then what occurred?

A. Well, this man had had a couple drinks and he went back over in front of CIO Hall. It looked as though the bunch around there were sore at him because he had talked to us fellows.

TRIAL EXAMINER LINDSAY: No.

Q. You can't give a conclusion.

MR. LAUTER: I object to that and ask it be stricken.

MR. PONTIUS: That may be stricken out.

TRIAL EXAMINER LINDSAY: That part may be stricken out. You just tell exactly what you saw and nothing else.

Q. What did you see?

A. Well, I saw them push him out in the street.

Q. Officer, were you on duty on July 11th, 1937, Sunday?

A. I was.

Q. And where were you on duty that evening, Sunday night of July 11th?

A. South Erie and Oberlin Road.

Q. I take it, you are familiar with the viaduct in Erie Street?

A. Yes, sir.

Q. And the streets around there?

A. Yes, sir.

Q. Now, what time did you go down to that point?

A. Oh, around 10:15.

Q. You may state whether or not there is a traffic light, one of these traffic lights that hangs up in the air, there at that point?

A. There is.

Q. During the strike, how was that traffic light operated? Was it operated or turned out?

A. It was not operated.

Q. How was traffic directed at that point?

A. By man power.

Q. And who would attend to that?

A. Well, the 11 o'clock turn, Officer Schwinger generally handled it.

Q. During the strike, after the mills were opened, are you able to tell the Examiner the usual way of the men going to work at that mill?

A. Well, they generally came down South Erie and turned over the viaduct.

Q. You say you got down there about 10:15?

A. Yes, sir.

Q. What did you notice when you first got there?

A. Well, I noticed there was a larger crowd than usual down there.

Q. How many people would you say were there at that time?

A. Oh, possibly 150 or more. They kept coming, up until the trouble started, possibly—when that started there was 300 there.

Q. Do you know who these men were?

A. No, sir, the only man I recognized in the crowd was Ernie Koontz.

Q. Who was Ernie Koontz?

A. Well, he belonged to the CIO. I don't know just what his title is. He has been very active.

Q. Had you seen him in the strike zone prior to this night?

A. Oh, yes, every day.

Q. Now, what, if anything, aside from seeing this number of people there—what was the first thing you observed that occurred there?

A. Well, about 20 minutes of 11:00 there was a car came from the north and one from the south and tried to jam the viaduct.

MR. LAUTER: I object to that and move the answer be stricken out.

MR. PONTIUS: "Tried to jam" may go out.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. Just tell what they did.

A. Well, the one car coming from the north made a wide right turn and hit a large cement abutment and his car bounced back about two or three feet and there was a car pulled away from the south curb and came over and smashed into the one that was already there. That stopped all traffic on the viaduct.

Q. Now, the car that came from the north, could you tell us about what speed that came down at?

A. Oh, possibly 30 miles an hour.

Q. And did you get the license numbers of those cars?

A. No, sir, not at the time I didn't.

Q. Did you later?

A. I did, one of them. One was gone before I got the license number of it.

Q. Can you give us the license number of the one that you got?

A. P-216-D.

Q. Now, what was the next thing you noticed after these cars were there?

A. When the cars smashed, I was down the street possibly 30 feet from the intersection, I run up to see what was going on.

Q. That was down the street, which direction?

A. North.

Q. You were north?

A. On Oberlin Road.

Q. Yes.

A. I ran up to see what was going on and there was enough men there to handle it, so I went back down to where I was before.

Q. Then what occurred?

A. Just as I got back I heard—I saw a tall foreigner standing out in front of the South Erie Grill, and he hollered, "Come on, let's let them have it," and rocks and stuff started flying.

Q. Then what was the next thing you noticed?

A. Well, we—there was a car came down the center of the street, trying to hit Officer Schwinger—

TRIAL EXAMINER LINDSAY: Wait a minute.

Q. You can't say what it was trying to do, just tell what direction it was coming.

A. The car came from the south.

Q. Yes.

TRIAL EXAMINER LINDSAY: Just a second, now. Strike that part out. Strike out that he was trying to hit Officer Schwinger. Listen, Officer, you are under oath. You are supposed to tell exactly what you saw, not what your conclusions are.

THE WITNESS: I see. All right, sir.

Q. Where was Officer Schwinger at that time?

A. Out in the center of the street.

Q. And where were you?

A. In the center of the street about 50 feet from him, north of him.

Q. What direction did this car take?

A. It came from the south, going north.

Q. And just describe its—how it proceeded northward, there?

A. Well, it came so close to Schwinger that he had

to jump, and then it came down towards me and I had to jump between two cars to get away from him.

Q. Where did that car go then?

A. It went on north.

Q. And what happened, if anything?

A. Nothing.

MR. LAUTER: If it please the Examiner I move that all this testimony be stricken, with respect to the car that almost hit this officer and the other officer, on the ground it is in no way connected with the issues in this case.

TRIAL EXAMINER LINDSAY: Well, it is stricken unless you can show who was in it.

MR. DAY: We think it is admissible as part of the circumstances that took place there that night, regardless of who was in it.

MR. LAUTER: Well, then we might as well have the distribution and the number of trees on the street and other unimportant data.

MR. DAY: Oh, no, I don't think that is true, at all.

MR. LAUTER: There is no testimony here either with respect to this accident or the way this car was driven.

TRIAL EXAMINER LINDSAY: That answer is stricken unless it is connected up.

MR. DAY: Let the record show we think it is now sufficiently connected up and except to the ruling striking it out.

TRIAL EXAMINER LINDSAY: You may have that exception.

Q. You have already related about stones being thrown; what happened after that, then, Officer?

A. Well, then I went to the other side of the viaduct after everything was quieted down over by the mill.

MR. LAUTER: If it please the Examiner, I move

that all that evidence with respect to throwing of stones be stricken from the record, on the ground there is no connection with the parties in this case.

MR. DAY: We would like to be heard on that.

TRIAL EXAMINER LINDSAY: Well, I will overrule that objection. Let it speak for itself. You may have an exception.

MR. LAUTER: Exception.

Q. (By Mr. Pontius) Do you know, Officer, what became of these men that you say were throwing these stones?

A. They were dispersed, started on their way home, or wherever they wanted to go.

Q. Was there anything broken there, to your observation?

MR. LAUTER: I object to that question as leading the witness.

MR. PONTIUS: Well, I do not want to lead the witness.

TRIAL EXAMINER LINDSAY. Yes, you surely are leading the witness.

Q. (By Mr. Pontius) After the stones were thrown what, if anything, did you hear?

A. Well, there was windows in several automobiles broken. Dents in the side of cars.

MR. LAUTER: I want to renew my objection to this line of inquiry and move the answer be stricken, on the ground it has no connection with any of the parties in this case.

TRIAL EXAMINER LINDSAY: I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

Q. Now what, if anything, did you hear about that time after these stones were thrown?

A. Well, after the crowd was dispersed I heard some shooting over on the other side of the viaduct, and went over there.

Q. What did you hear?

A. Gun shots.

Q. How many?

A. I couldn't say that, several.

Q. Then where did you go? You say you went to the other side of the viaduct, to what point did you go?

A. Crossed the viaduct and went on Cleveland Avenue southwest.

Q. With respect to the location of the city officers, where did you go?

A. Right where they were.

Q. When you got over there, whom did you see?

A. I saw Officer Kelley and Kraft and Ickes.

Q. Who are those three men?

A. Those are regular police officers of the city of Massillon.

Q. Anybody else there that you saw?

A. Kraft, Henderson—I don't just remember who the others were. There were several there.

Q. Now, I wish you would describe the conditions that existed when you got over there, Mr. Moore?

A. Well, there was some shooting going on, on both sides, and gas being shot from our side.

MR. LAUTER: May we have the term of this fixed, please.

MR. PONTIUS: Yes.

Q. Well, about what time was that?

A. Oh, I would say that would be about five minutes to 12:00, somewhere around there, when I got over there—five to ten minutes to 12:00.

Q. Do you mean 12?

A. Or 11:00, I mean to say.

Q. Yes; now just go forward and tell what you observed there with respect to the shooting or anything else?

A. Well, there was a large crowd, possibly 50 feet north of the C. I. O. Hall, and several shots came from that

side. I told the men, I said, "You had better lay down in the street, don't be a target." We did, and we started shooting gas.

Q. Now, then, what followed that?

A. Well, the crowd kept moving back and it kept getting a little hotter and hotter until finally —

TRIAL EXAMINER LINDSAY: Get out the words "hotter and hotter."

Q. Yes, that is your conclusion.

A. Well, there was four shots came over toward us. We still kept the gas up and finally the Canton police arrived.

Q. Before the Canton police arrived, were there shots from any other direction than—

A. Yes, there was some came up from—to the east of us from along the B. & O. Railroad tracks. There was two shots came up from there and we turned the gas guns on in there and that was the last we heard from down in there.

MR. DAY: We would like to put the map up.

Q. Mr. Moore, calling your attention to the plat or what is known as Respondent's Exhibit No. 1—I don't know if you have seen this before—calling your attention to South Erie Street here and the viaduct here (indicating)—

A. Yes, sir.

Q. (Continuing)—and Cleveland Avenue. This is Oberlin Avenue running east and west?

A. Yes, sir.

Q. It has been identified that the C. I. O. hall is marked on the plat where I am pointing here. Can you point out to the Trial Examiner where this station was that the officers were located at?

A. Here (indicating).

Q. Indicating Cleveland Avenue just to the south of the alley way that runs east and west. The first alley way south of C. I. O. headquarters?

A. Yes.

Q. Now, is that the point that you got to when you went over there; when you heard that shooting?

A. Yes, sir.

Q. Now, I call your attention to the lines on this map. The railroad tracks C. L. W. where that is located.

A. Yes, sir.

Q. Now, you said the shooting came from the right of the offices?

A. Yes, sir.

Q. Now, could you tell about where that came from?

A. It would be down around the B. & O. tracks. I can't tell exactly but it was west towards the railroad.

Q. You say the B. & O. tracks?

A. That is the name now. It used to be the C. L. W.; that is the old name.

Q. Now, could you describe this shooting a little more fully than you have?

A. It was either three or four that came by. It was close enough to me so that I could hear them whiz by me.

Q. Now, after the gas was shot?

A. We didn't hear anything more from them.

Q. Now, about how many people were on Cleveland Avenue—as I understood you to say, you said above the C. I. O. hall?

A. Yes, sir.

Q. Were they on the street?

A. Yes, sir.

Q. Just describe the conditions on that street.

A. The street was jammed. You could not really state how many was there. It was a large crowd.

Q. Well, when you got over there where were those people on Cleveland Avenue? You say they jammed the street?

A. I would say about 50 or 100 feet north of the C. I. O. hall.

Q. By what manner did you go over there on the street at this time?

A. In my own private automobile.

Q. Did you have any ammunition in that car?

A. I did.

Q. What kind of ammunition did you have?

A. Gas.

Q. Now, when you got over there, what, if anything, did you do with respect to the use of the ammunition?

A. I shot gas for some time.

Q. Now, what shooting, if any, did you observe coming from the north to the south?

A. Well, every once in a while there was a shot coming from the north. There was none coming from the south.

Q. That is, south of where you men were?

A. Yes, sir.

MR. LAUTER: May we fix the time on this, please?

Q. As near as you can, about what time—

MR. LAUTER: What time now?

Q. I want you to follow this along in detail as fully as you can, Mr. Moore. Describe what took place after you got over there as fully as you can.

MR. LAUTER: May we have the time fixed, if you please, Mr. Examiner?

TRIAL EXAMINER LINDSAY: Yes. Fix the time that you got there.

A. I would say about five or ten minutes of 11. I had been over the other end of the viaduct probably 10 minutes from the time it started.

Q. Now, you have said that the officers from Canton came there?

A. Yes, sir.

Q. Could you tell us about how long were you there when the officers from Canton came there?

A. About possibly 20 or a half hour, somewhere around there.

Q. 20 minutes to a half an hour?

A. Yes, sir. Maybe longer; I would not say because I don't know.

Q. Now, where did you men remain—you and these officers remain until the Canton officers came there?

A. Right where the post was on Cleveland Avenue.

Q. What was the condition with respect to the crowd when the Canton officers came there?

A. There was a very large crowd still on Cleveland Avenue.

MR. LAUTER: May we have the time on this fixed, please?

Q. From the time that you got there, what was the condition there?

MR. LAUTER: May we have the time fixed when there was a large crowd on Cleveland Avenue?

A. There was a crowd on Cleveland Avenue all the time.

MR. LAUTER: I have asked to have the time fixed. The witness has just testified that the Canton officers got there and there was a large crowd subsequent to the shooting.

MR. PONTIUS: He has already testified that it was five minutes to 11.

TRIAL EXAMINER LINDSAY: Now, what time was this?

THE WITNESS: You mean when the Canton officers arrived?

TRIAL EXAMINER LINDSAY: When you got there and the crowd increased right straight through.

THE WITNESS: I would say it was 10 minutes to 12 when I got there. The crowd was there up until the Canton police got there.

Q. You mean 12 o'clock?

A. I mean 11 o'clock.

Q. Now, from the time you got there until the Canton police arrived, what was the condition of Cleveland Avenue north of there?

A. Crowded with people.

Q. What, if anything, was that crowd of people doing during that period of time?

A. Oh, standing around and hollering, stuff like that.

Q. Now, were they doing anything else that you observed?

A. Only once in a while there would be a shot coming down towards us that I could not tell where it was coming from.

Q. Now, with reference to the shooting that you described as coming from the railroad tracks, about what time was that?

A. That was shortly after I got over there; I don't know how long.

Q. What is your best judgment after you got over there?

A. Possibly five minutes or so.

Q. Have you had any experience in the shooting of firearms?

A. About five years in the army.

Q. That is, in what Army?

A. In the World War.

Q. Now, can you tell the character of these shots that came from the north to the south there?

A. No, sir, I could not.

Q. You have said that the bullets that you heard coming from the railroad tracks whizzed by you. Did you hear any other bullets whiz by you?

A. Not that I know of.

Q. Now, while you were there and before the Canton officers came there, are you able to tell how many men were there?

A. No, sir, I could not exactly say.

TRIAL EXAMINER LINDSAY: What do you mean by men—officers?

Q. Well, whoever was there?

A. Yes.

Q. Can you name any more officers than you have named?

A. No, I don't believe I could.

Q. You are familiar with the time that shifts changed over there at the Republic Steel?

A. Yes, sir.

Q. What time did the shifts change there?

A. Eleven o'clock.

Q. Now, when you went over on Erie Street to the viaduct, over to the post on Cleveland Avenue, did you come in contact with any officer of the Republic there?

A. No, sir.

Q. With respect to the term "changing," what do you know about that, that night, if anything? Whether the men in the mill came out or if anybody went in?

A. A few went in that was on Erie Street. We sent them across the viaduct but whether they went in or not, I don't know.

Q. With respect to anybody coming out?

A. I couldn't tell you that.

Q You know where the entrances to the plant are where the workmen come in and out?

A. Yes, sir.

Q. Did you observe the conditions down there that evening?

A. No, sir, I did not; I wasn't near the gate.

Q. Now, have you described as fully as you can what took place before the Canton officers came there?

A. Yes, sir.

Q. Now, when the Canton officers came there, what occurred?

A. Well, the first thing they did was disperse the crowd that was on Cleveland Avenue. Told them to keep moving along and keep out of the district.

Q. Did you know who was in charge of the Canton officers?

A. I believe Captain McDonald.

Q. How many men did he have with him, do you know?

A. That I couldn't say.

Q. How long did you remain around there then?

A. I stayed there until about 9 o'clock.

Q. Until when?

A. About 9 o'clock the next morning.

Q. Now, did any other officers come there that night?

A. No, sir; everybody that was on duty stayed.

Q. I mean any other public officers? Military officers or anything like that?

A. The National Guard came in early in the morning; I don't know about what time.

Q. Do you know about when that was?

A. Oh, around 2 o'clock sometime; 2 or 2:30.

Q. You were there at that time?

A. Yes, I was.

Q. Now, did you go with the National Guard?

A. No, sir, I didn't.

Q. The rest of that night, what were you doing, Mr. Moore?

A. Just standing around in case anything happened.

Q. Did you take any part in evicting anybody or arresting anybody?

A. No, sir, I didn't.

Q. Now, with respect to the crowd there on Cleveland Avenue, did you notice anything unusual about that as to size or anything?

A. Yes, we never had that many people around at that hour of the morning or evening before.

(A short recess was had at 10:30 o'clock a. m.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

Q. Mr. Moore, can you estimate the number of people that were on Cleveland Avenue that night when you got there?

MR. LAUTER: I object to the question. The question has already been asked; the witness has testified that he could not say.

TRIAL EXAMINER LINDSAY: Yes, he said that at least four times.

MR. DAY: He said there were more than on any other evening but he could not estimate the number.

TRIAL EXAMINER LINDSAY: All right; objection overruled.

MR. PONTIUS: The objection is overruled?

TRIAL EXAMINER LINDSAY: Yes. Let the record show an exception.

Q. You may answer the question, Mr. Moore.

A. I would say around 400. Between three and four hundred somewhere; I am not positive.

Q. And from your observation prior to this night, what was about the usual number there?

A. Oh, they would vary, sometimes there would be one hundred around there, or 50, or 75; you couldn't tell exactly how many were there. At the changing of shifts on the picket line, there would be quite a few more than usual because you would have your pickets that were going on and the ones that were coming off.

Q. With respect to the times that you went down there, did you go there at any particular times, in the vicinity of the plant there?

A. Well, we were in and out of there all during our shift; practically stayed right around the mill, unless we would have to go on a call or something.

MR. PONTIUS: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Moore, had you ever received any gifts from Republic Steel Corporation?

A. Any what?

Q. Any gifts from Republic Steel Corporation?

A. No, sir.

Q. You testified about a conversation on July 10th with a person named Mike Rudak?

A. Yes, sir.

Q. What time of the day did that conversation take place?

A. Well, it was around about 4 o'clock.

Q. And you say you saw him coming out of the C. I. O. headquarters?

A. Yes, sir.

Q. And where were you stationed at the time you saw him coming out?

A. I was sitting in my car talking to the men who were on the post there.

Q. Where was your car stationed?

A. My what?

Q. Where was your car at the time you saw him coming out?

A. Heading right towards C. I. O. Hall, and I was talking to the men that were on that post.

Q. About how far from C. I. O. headquarters were you?

A. About 100 feet.

Q. Where were these men that you were speaking to?

A. Standing right alongside of the car.

Q. On the lefthand side of the car or righthand side, do you remember?

A. I don't remember that.

Q. You don't remember on which side of the car they were standing?

A. No, sir.

Q. Who were the officers to whom you were speaking?

A. If I remember right it was Kraft and Henderson.

Q. And Hodge?

A. Hodge was in the car with me.

Q. Now, did you notice whether or not—is it Rudak, or Rudka?

A. Well, it is spelled R-u-d-a-k, Rudak.

Q. Was Rudak drunk when he came out of C. I. O. headquarters?

A. He had a few drinks in him, yes.

Q. Could you tell whether he was drunk when he came out?

A. Well, he wasn't staggering, but you could tell from the way he talked that he had had a few drinks.

Q. Where did he walk when he came out of the C. I. O. headquarters?

A. Right down to the post of the policeman, where I was sitting in the car.

Q. What did he say?

A. He said, "You better watch out, they are coming down and get you, they want to do it."

Q. Did he say who was coming down?

A. No, sir.

Q. Did he say when they were coming down?

A. No, sir.

Q. Is that the total extent of the conversation?

A. That is all I heard of it.

Q. Did you say anything to him?

A. No, sir, I did not.

Q. Did any of the other officers say anything to him?

A. Not that I remember.

Q. How long did he stay at the police post?

A. Oh, possibly five minutes, maybe not that long.

Q. And that is all he said, is that one sentence, is that correct?

A. That is all I heard of him. He was talking to one of the other men. He walked away from the car and I didn't hear what they said there.

Q. Do you know who else he spoke to, when he was there?

A. I don't remember just who it was.

Q. But you did see him speak to one of the other officers?

A. I did see him speaking to some of the officers that was standing outside of the car.

Q. Then what did he do?

A. He walked back into the C. I. O. Hall—or not into the Hall, but up in front of it, in the crowd, and I see several of the fellows talk to him, and then they shoved him out into the street and I picked him up.

Q. You say you picked him up?

A. Yes, sir.

Q. What did you do with him?

A. Took him down to jail.

Q. Did you go into the crowd and get him?

A. I didn't have to, they had shoved him out into the street.

Q. Well, you were 100 feet away from where he was?

A. Yes, sir, just about; possibly 100 feet. Maybe a little more.

Q. And they shoved him out into the street?

A. Yes, sir.

Q. They didn't shove him all the way to where you were standing, did they?

A. Oh, no, they shoved him straight out from C. I. O. Hall, and I was sitting in the car.

Q. Did you go and get him?

A. Yes, sir, I did.

Q. Did you go alone?

A. I did.

Q. And you took him along to police station?

A. Yes, sir, I took him and another man with me. I wanted to see what the argument was about.

Q. What time did it happen?

A. It was around 4 or 4:30, I don't just recall.

Q. And that was on July 10th?

A. July 10th, yes, sir.

Q. Did you advise anyone of the conversation that you had with him?

A. Sir?

Q. Did you tell anybody about the conversation that you had with him? It wasn't a conversation, he just made the remark to you, is that correct?

A. He just made the remark.

Q. Did you tell anybody about that remark?

A. I told the fellows that was around there, I says, "Maybe you had better watch a little bit."

Q. Whom did you tell that to?

A. All of the officers that were around there.

Q. Who else was around there?

A. Those are the only ones that I remember, was Kraft and Henderson. Hodge was in the car with me. There was one other there, but I couldn't tell you who it was.

Q. Now, on July 11th, you testified that you came down to the viaduct about 10:15; is that right?

A. Yes, sir.

Q. How did you happen to get down there at that time?

A. In my own car.

Q. I say, how did you happen to get there at that time?

A. Well, we were supposed to get there as near after 10:00 o'clock as possible, and stay there until the shifts were changed.

Q. Who was with you when you got there?

A. Hodge.

Q. Was he riding in your car?

A. He rode with me all the time, yes, sir.

Q. That is your private car?

A. That is my own car, yes, sir.

Q. You testified that after the accident that occurred on the viaduct, you heard some shooting, is that correct?

A. Yes, sir.

Q. About what time was that?

A. Well, it was shortly after the wreck happened.

Q. What time did the wreck happen?

A. Well, as near as I can figure about 20 minutes of 11:00.

Q. And about what time did you hear the shooting?

A. Oh, I don't know, it was shortly afterwards.

Q. Five or ten, fifteen or twenty minutes after?

A. Well, approximately five minutes or so.

Q. What did you do when you heard the shooting?

A. I stayed around there until the crowd was dispersed, and then I went around to the other side.

Q. Which side of the viaduct were you, when you heard the shooting?

A. I was on the east side, at the Erie end of Oberlin Road.

Q. And the shooting took place after the accident, is that correct?

A. Yes, sir, possibly five or ten minutes afterwards.

Q. You are not able to identify any of the persons who were involved in the accident, are you?

A. The two men that were in the cars.

Q. Can you identify them?

A. Well, I couldn't pick them out, because I wasn't that close to them.

Q. In other words, you saw their cars?

A. But I didn't see them.

Q. You didn't know who was in the car?

A. No, sir, I do not.

Q. And you don't know who threw the rocks either, do you?

A. No, sir.

Q. Now, you went across the viaduct when you heard the shooting, is that correct?

A. I did, after everything was cleaned up on South Erie and the crowd was dispersed.

Q. How long did that take to clean it up, Officer?

A. Didn't take very long.

Q. Did it take very long? To get the cars out of the way?

A. No, sir, they were pushed off to the side and then the wrecker, I guess, come and got them.

Q. Did you say you saw the crash or you didn't see it?

A. No, sir, I didn't see it.

Q. You didn't see the crash?

A. I was about, I would say 20 or 30 feet down the street from the intersection.

Q. You mean down on Erie Street?

A. Yes, sir, that would be to the north.

Q. The crash took place on the viaduct?

A. On the viaduct.

Q. Or near the viaduct?

A. Yes, sir.

Q. So you didn't see the crash?

A. I didn't see it, I seen the man go around the curb and hit the abutment, and that was all.

Q. Now, when the shooting took place, you went over to where the officers were, where the shots were, is that right?

A. Yes, sir.

Q. And who was there at that time?

A. Well, Kraft, Fellavon, Kelley and Henderson.

Q. Did you have any conversation with any of the officers?

A. The only thing I said, "We had better get down wherever they were at.

Q. You didn't see any shooting, did you?

A. Well, I didn't see any fire fly.

Q. At the time you made the remark to them, had you seen any shooting?

A. I had heard shots, yes.

Q. You didn't know who had shot, though, did you?

A. Sir?

Q. You didn't know who had shot, though, did you?

A. No, I didn't.

Q. You didn't see whether it was the officers or anyone else?

A. Nothing, only I heard them whiz on down by me.

Q. I am talking about the time that you went over to these other officers, after you heard the shots, you were at that time on the east side of the viaduct, is that correct?

A. Yes, sir.

Q. You had not known, had you, who fired the shots that you heard?

A. I didn't. No.

Q. When you came over to the officers, did you converse with them?

A. No, sir, because I had no more than got out of my car until I heard a bullet whiz down by me, there, and I hollered, "Get down."

Q. Where were you, in your car? Where were you stationed? On Cleveland Avenue?

A. Yes, sir.

Q. Or Oberlin Road? Cleveland Avenue?

A. Yes, sir.

Q. How far from C. I. O. headquarters?

A. Possibly 100 feet, 150.

Q. When you got there with your car, were the officers standing up?

A. Yes, sir, not all of them were up, but some officers

were standing up, some were laying down.

Q. You made no inquiries about who had fired the shots that you heard, is that correct?

A. No, sir, I did not.

Q. Now, you referred constantly to the fact that you used gas gun?

A. I did.

Q. Did you use any revolver?

A. No, sir.

Q. Or pistol? What?

A. No, sir.

Q. Did you fire any bullets that night?

A. No, sir, my gun was never out of my holster.

Q. You fired only gas?

A. Only gas, yes.

Q. How long—how many projectiles did you fire?

A. I can't say, quite a few.

Q. Five or a hundred?

A. Well, it didn't run a hundred.

Q. Fifty?

A. Possibly fifty.

Q. Fifty gas projectiles?

A. Yes, sir, maybe more, maybe less. I don't know for sure.

Q. When did you start firing your gas projectiles? As soon as you came over?

A. Sir?

Q. When did you start firing your gas projectiles, as soon as you got there?

A. After the shots came down that I heard.

Q. Where was the gas?

A. The gas was in the back of my car, where I carry it.

Q. Did you ordinarily carry gas around in your car?

A. Yes, sir, I did.

Q. Carried it around on the previous day?

A. Yes, sir.

Q. When did you first start carrying around the gas in your car?

A. The day the strike started, until the National Guard came in, I was ordered to use my own car by the city of Massillon.

Q. Were you also ordered to carry gas around?

A. Yes, sir, I was.

Q. Who gave you the orders?

A. Chief of Police.

Q. You say you heard some shooting from the B. & O. Tracks, is that correct?

A. I did.

Q. You don't know who fired those shots, do you?

A. No, sir, I don't.

Q. But you know there weren't over three or four?

A. It was three or four, I wouldn't say for sure.

Q. About what time did you hear those shots?

A. Oh, I had been there possibly ten or fifteen minutes, sometime around there. It is really hard to remember, because things were happening pretty fast.

Q. You testified about a large crowd being outside of CIO headquarters?

A. Yes, sir.

Q. Did that crowd stay there while the shots were being fired?

A. Yes, sir, they did.

Q. You testified about—what is that?

A. Yes, sir.

Q. Didn't disperse?

A. Well, there was a few of them left, but there was a few of them stuck around.

Q. When you say "few" what would you mean?

A. Well, part of the crowd left and part didn't.

Q. You say there were three or four hundred there, is that right?

A. There was possibly that many, yes, sir.

Q. You say a few left?

A. The crowd kept dwindling right along.

Q. At the time you fired your first gas shell, that was right after you got over there?

A. Yes, sir.

Q. How many were over there then?

A. That is when the crowd was largest, I would say between three and four hundred. After we started shooting gas, they dispersed. Then we quit firing and it seemed as though they came back, and when the Canton police arrived, we dispersed the crowd and we didn't have any more that night.

Q. What time did the Canton police arrive?

A. I couldn't tell you.

Q. How long after you arrived there?

A. I really wouldn't know.

Q. Well, about an hour, or two or three?

A. Well, I would say possibly 45 or 30 minutes, somewhere.

Q. All that time the group was standing in front of the CIO headquarters?

A. They was milling around there in the street.

Q. A couple of hundred of them standing there?

A. Yes, sir.

Q. Did you stop firing gas during that time?

A. I did.

Q. Weren't there others firing gas?

A. Not for possibly five or ten minutes there, there wasn't a shot fired. All at once there was a shot came out of that crowd, then we opened up the second time, on them, with gas.

Q. What did you do the first time? Only gas?

A. Only gas, yes, sir.

Q. What did some of the other officers use?

A. I don't know what they used.

Q. How many officers were there around there?

A. That I couldn't say.

Q. Were there two, or a hundred?

A. No, we didn't have a hundred on the whole force.

Q. How many were there around there that night?

A. Oh, I would say around ten or twelve, I don't know exactly.

Q. You are sure there were not 20 or 25?

A. Not that I saw.

Q. You didn't notice what they were firing with?

A. I did not.

Q. Yet these men were all around you, were they?

A. Well, they were scattered out in different—

Q. Well, there was some not more than ten or fifteen feet away, isn't that correct?

A. Well, some of them were close, some on the right of me, a couple on the left.

Q. I am asking you if it is not true that there were some that were no more than ten or fifteen feet away?

A. There was.

Q. And you didn't see what they were firing with?

A. The men that were with me all had gas guns, because they were lying back, shooting over the other men. We had to.

Q. You did see what they were doing, then?

A. I could hear shots, but I couldn't tell.

Q. Did you see what they were shooting, then?

A. No, sir.

Q. You don't know whether they used tear gas guns or not?

A. No, I don't.

Q. Despite the fact that they were only 10 or 15 feet away from you?

A. The men that were close to me had gas guns.

Q. You didn't see that they had gas guns?

A. Yes, sir.

Q. And you know what they were shooting with?

A. I know that they were shooting gas.

Q. And that large crowd continued to stay there?

A. They did.

Q. Until the Canton police came, arrived half an hour later?

A. Yes, sir.

Q. You say you used about 50 tear gas shells, is that right?

A. More or less, I wouldn't say for sure how many.

Q. When did you run out of tear gas? At what time was that?

A. I think when I went down I had 25 in my car.

Q. When did you run out of tear gas projectiles? What time of the night?

A. I don't know that.

Q. You don't know whether it was a half hour or four hours later?

A. Well, it was no four hours, possibly 10 or 15 minutes.

Q. In 10 or 15 minutes?

A. Yes, sir.

Q. You had shot 25 tear gas projectiles, is that correct?

A. That is right.

Q. What did you do when you ran out of tear gas projectiles?

A. I hollered for someone to give me gas, and there was gas given to me. I think there was 24 in the case.

Q. Do you know a man named Gray?

A. Yes, sir, I did.

Q. Did you send him to get some?

A. I did.

Q. Where did you send him to get some?

A. Down at the Union Drawn Steel.

Q. How did you happen to send him there?

A. Because I figured they might have some over there.

Q. Had you been told before the fight that there might be some there?

A. No, sir.

Q. That was just a guess on your part?

A. Yes, sir.

Q. Who is Gray?

A. Gray is, as I understand it, turn foreman of the Central Steel.

Q. What was he doing there?

A. I couldn't tell you that.

Q. Was he near where you were?

A. No, sir.

Q. How did you happen to ask him to go there?

A. I run up to the office and he was the first man I had seen, and what gas he brought back—

Q. What office did you run to?

A. Up to the Republic Steel Office.

Q. You mean the district office?

A. Sir?

Q. The district office?

A. Yes, sir.

Q. Were you alone when you went there?

A. I was.

Q. And Gray was the man you saw there?

A. Yes, sir.

Q. What did you say to him?

A. I says, "Go over to the Union Drawn, see if you can't get us some gas."

Q. Did you ask him whether there was any gas there?

A. I don't know whether there was any or not. I just took that chance.

Q. Didn't he make a telephone call?

A. I don't know.

Q. Did you make a telephone call?

A. I did not.

Q. Did he come back from the Union Drawn?

A. I don't know that. I never seen the man after I talked to him. When I ran back over to where I was, there was gas there. Where it came from, I don't know. If he brought the gas, I never seen it.

Q. Did you hear this gas was brought from Union Drawn?

A. I heard it, but I didn't see it.

Q. Who told you that?

A. I couldn't tell you that.

Q. You don't remember?

A. No, sir, I don't remember who it was. Union Drawn—

Q. Was it one of the officers?

A. Well, it must have been, because they were about the only ones that were down around where we were.

Q. One of the police officers that was there at night told you that gas had been gotten from Union Drawn, is that correct?

A. It must have been an officer.

Q. Well, isn't that correct?

A. But I don't know whether there was any gas came.

Q. I am asking you whether or not an officer didn't tell you that some gas had been gotten from Union Drawn Steel that night?

A. Not that I remember.

Q. Are you saying that you don't remember that?

A. Not that they told me that there was gas came from the Union Drawn.

Q. What did they tell you about it?

A. Didn't tell me.

Q. You never heard of where it came from?

A. No, sir, the last I know about gas being mentioned was when I told Gray to go and get it.

Q. Didn't you say a moment ago you heard something about gas being gotten from Union Drawn?

A. Just a rumor, you hear lots of them.

Q. I know that. Did you hear a rumor from one of the officers?

A. It must have been one of the officers, they were the only ones around there.

Q. You heard a rumor?

A. Yes.

Q. From one of the officers that happened to be around there, that they got gas from Union Drawn, is that correct?

A. I heard a rumor, yes, sir.

Q. Did you also hear a rumor about some evicting being done after the fight?

MR. DAY: Some what?

MR. LAUTER: Did you?

A. I saw them taking fellows to jail, yes.

Q. Did you see them breaking into any houses?

A. I did not.

Q. Where did you see them taking them to jail?

A. Why, the National Guard trucks kept going by, loaded with men. They came right down through Cleveland Avenue where we were standing.

Q. You don't know who did that?

A. No, sir, I do not.

Q. How many pickets did you say there usually were at strike headquarters?

A. Oh, possibly a hundred or very near all the time. At times maybe there would be less.

Q. Sometimes there would be more?

A. Sometimes there would be more, yes, sir.

Q. Sometimes there would be as many as 150, wouldn't there?

A. Well, especially when pickets were changing. That is, one crowd coming on and one crowd going out.

Q. Do you know how many pickets' stations they had?

A. No, sir.

Q. Do you know how many pickets they were entitled to have under the injunction?

A. Under the injunction, I do, yes, sir.

Q. How many?

A. I think in Massillon it was 34. I am not dead sure. It is 13 posts, I believe. And there was only one post that

was allowed more than six men, that was the No. 2 gate.

Q. How many pickets did you see there, you say, that night? How many men were there around CIO headquarters?

A. Oh, there was quite a few of them.

Q. How is that?

A. I would say around between three and four hundred, somewhere.

Q. How many?

A. Between three and four hundred in the crowd.

Q. Did you say "three and four"?

A. "Three or four."

Q. Were there women and children in the crowd also?

A. Not that I noticed.

Q. You didn't notice any there that night?

A. No, sir, the last time I was around there that evening before the shooting was around I would say 8:30 or 9:00 o'clock.

Q. I am not talking about the time that you came up there, but you say that after you fired tear gas a considerable number still remained; did you notice any women and children in the crowd?

A. No, sir, I did not.

Q. Did you see a machine gun used that night?

A. No, sir.

Q. Did you hear a machine gun being used that night?

A. There was a machine gun there, but I don't think it was used.

Q. You were asked about whether or not you could distinguish the sounds of different bullets; did you hear any machine gun bullets go off that night?

A. No, sir. No rapid fire, no, sir. Not the way they tell the machine gun.

Q. You are sure you didn't hear one?

A. I did not.

Q. Did you see any of the officers who were firing rifles?

A. No, sir, I didn't.

Q. Did you see them use anything besides a machine gun?

A. The only thing I could see was the men besides me. They had gas guns.

Q. How long did you stay there?

A. I was there until 9 o'clock the next morning.

Q. You stayed there until 11 o'clock?

A. Yes, sir.

Q. You stayed there all during the firing?

A. Yes, sir.

Q. The only thing you heard was tear gas going off?

A. I heard shooting.

Q. Did you see or hear any of the officers firing gas?

A. No, sir. They were up ahead of us. That is the men that had the gas guns.

Q. How many were ahead of you?

A. I don't know how many it was. I was standing around in back of the building—some in the street ahead of me. I was back 30 to 40 feet behind them.

Q. You didn't see anybody use a gun?

A. No, sir.

Q. Had you inspected the C. I. O. headquarters after the firing?

A. Had I what?

Q. Did you inspect the C. I. O. headquarters after the firing of July 11th?

A. Yes, sir.

Q. Were any policemen wounded that night?

A. No, sir.

Q. Do you know whether any strikers were hit that night?

A. I understand there were a couple of them; yes, sir.

Q. How many were hit with tear gas or bullets?

A. They were hit by bullets?

Q. You don't know who hit them?

A. No, sir, I don't.

Q. Do you know Major Curley?

A. Yes, sir, I do.

Q. Did you have any conversation with him that night?

A. The only thing I remember Curley saying to me was after the shooting or after everything had quieted down —was: "I had to go away; you take charge".

Q. Did you have any conversation with him that night about tear gas?

A. No, sir.

Q. Do you know Henderson?

A. Yes, sir.

Q. Did you have any conversation with Henderson?

A. Yes, sir.

Q. Do you know Bob Fellavon?

A. Yes, sir, I do.

Q. Did you have any conversation with Henderson or anybody subsequent to July 11th about his activities of July 11th?

A. No, sir.

Q. Had you spoken to any of the patrolmen about their activities on July 11th?

A. No, sir, I didn't.

Q. You haven't said a word to them and they haven't said a word to you as to July 11th, is that right?

A. That is right. In regard to the shooting?

Q. That is right, or in regard to the happening of July 11th?

A. Never talked to me about it.

Q. Speak to Chief Switter about it?

A. Yes, sir.

Q. Did you say yes?

A. Yes, sir.

Q. What was your conversation?

A. Nothing; only what happened.

Q. What did you say to him?

A. Told him about the east end of the viaduct; what I did that night.

Q. What did you tell him about the shooting? At the headquarters?

A. I don't know—we used up a bunch of gas and that is all. That was possibly 1 or 1:30 when he came down.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

GEORGE MANTSCH

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You live in Massillon, Mr. Mantsch?

A. Yes, sir.

Q. What is your business?

A. City patrolman.

Q. How long have you been a patrolman in the City of Massillon?

A. Twelve years.

Q. You may state whether or not you were on duty as a city patrolman on July 11th last?

A. Yes, sir.

Q. Prior to July 11th what, if anything, did you have to do with the situation in the strike area around the Republic?

A. I helped take care of the east end of the viaduct traffic.

Q. Who was directing the traffic? How was traffic regulated there at the east end of the viaduct?

A. How was it regulated?

Q. Yes.

A. We had a man in the middle of the road.

Q. Do you recall about the National Guard coming in; how they directed traffic? What you observed there at that point?

MR. LAUTER: I object to the leading character of the questioning.

TRIAL EXAMINER LINDSAY: Overruled. Try to refrain from using so many leading questions.

MR. PONTIUS: Your Honor criticized me for taking too much time.

TRIAL EXAMINER LINDSAY: Just go ahead. I never criticized you for using time except in cases where it was immaterial.

Q. Now, Mr. Mantsch, did you observe the manner in which traffic was directed?

A. On the viaduct?

Q. At that point on Erie to the viaduct. Did you observe how it was done?

A. Yes, sir.

Q. Now, after they left you, what did you officers do with respect to directing traffic, if anything, at that point?

A. Well, after we found the nails on the viaduct we left nobody across the bridge other than the workmen.

Q. When did you find the nails on the viaduct?

A. I can't recall the date now but I got a few in my tire myself. They were roofing nails.

Q. After that time?

A. They wouldn't let anybody across the bridge outside of the workmen.

Q. Now, how frequently would you be at that point directing traffic prior to July 11th?

A. Just a few nights before. Every time the office got a report there was trouble they would rush us down there.

Q. Well, on the night of July 11th, what time did you go on duty in the vicinity of the Republic Steel?

A. 10 minutes to 10.

Q. Where did you go first when you went down there?

A. Over onto Cleveland Avenue.

Q. Where on Cleveland Avenue did you go?

A. I would say a hundred feet south of C. I. O. headquarters.

Q. Whom did you see there at that time?

A. Who?

Q. Yes.

A. You mean what police officers?

Q. Yes. What police officers?

A. Well, I seen Henderson there. He was a special police. I seen Curley, and I don't remember who else was there; that is all I remember seeing.

Q. How did you go to that point?

A. In my automobile.

Q. Anybody with you?

A. A man by the name of Buttermore.

Q. Who was he?

A. A special police.

Q. Did any cars come along that evening?

A. A car drove up with six men and we stopped it.

Q. Which way did that car come?

A. That car came south on Cleveland Avenue.

Q. Did you find out where this car came from?

MR. LAUTER: May we have the time?

TRIAL EXAMINER LINDSAY: Will you fix the time?

Q. About what time did this car drive up there?

A. I would say 10 or 15 minutes after 10; somewhere in that neighborhood.

Q. What occurred then?

A. They stopped the car, searched them, and asked them where they were from. They said they were from Canton.

Q. Then where did you go?

A. I left there.

Q. Where did you go?

A. I went back over on the east end of the viaduct.

Q. Where did you stop there at the east end of the viaduct?

A. Right on the east end of the viaduct. That is off Erie on Oberlin Road.

Q. On Oberlin Road?

A. That is the viaduct on Oberlin Road.

Q. With respect to your car, what did you do with your car?

A. Set it over there by a gas station.

Q. Who, if any, officer was with you there at that point?

A. At that point?

Q. Yes, sir.

A. Buttermore was there, Domer, Kurtz. There were three or four more; I can't name them.

Q. Now, about what time was it that you got to the east end of the viaduct? Locate yourself.

A. I would say about 15 or 20 minutes after 10.

Q. What did you observe at that time?

A. When I got over there?

Q. Yes.

A. An extra large crowd of people.

Q. Could you tell how many were there?

A. More than I had ever seen around there.

Q. In numbers, about how many?

A. I wouldn't exaggerate; I would say around a thousand people around the streets with automobiles.

TRIAL EXAMINER LINDSAY: Just a minute. Read the question.

(The last question was read.)

TRIAL EXAMINER LINDSAY: Now, will you read that answer?

(The last answer was read.)

Q. Now, right there at the intersection, how many people would you say?

A. Several hundred right around that beer garden; in front of the beer garden.

Q. You mentioned a beer garden. Where is that?

A. That is on Erie Street—on the corner of Erie and Oberlin Road.

Q. What corner?

A. The northwest corner.

Q. Now, on other times that you were down there, about how many people were there as a rule? That is, at that corner?

A. Not that many as on this night of July 11th.

MR. LAUTER: I move that the answer be stricken as not responsive.

MR. PONTIUS: It is responsive in a way.

TRIAL EXAMINER LINDSAY: I think it may stand. Let the record show an exception.

MR. LAUTER: Exception.

Q. Now, describe what, if anything, you saw occur there then?

A. Well, we had this Joe Schwinger directing traffic in the center of the street.

Q. Who is Joe Schwinger?

A. He is a patrolman.

Q. Now, just what occurred there, if anything?

A. Occurred there?

Q. Yes.

A. A car drove in on the viaduct at a fast rate of speed and hit an abutment—

MR. LAUTER: I object to the line of questioning on the ground that we have gone into this several times.

TRIAL EXAMINER LINDSAY: Objection overruled.

MR. LAUTER: Exception.

Q. Just tell what you saw.

A. The car hit the abutment—that is the north abutment on the north side of the road.

Q. Go ahead.

A. When this car hit this abutment Domer and another special police run up to the car and got the driver out. About that time another car came in and ran right into that car, and that driver got out of the car and ran away, and I after him.

Q. What effect, if any, did the two cars have on the passage through the viaduct?

A. The viaduct end was blocked up. No traffic could get through.

Q. Now, you ran after this fellow?

A. I ran after this fellow and caught him and brought him back.

Q. Where did he run?

A. Tried to get in back of the gas station.

Q. You brought him back?

A. I brought him back, and I heard glass rattle and people hollering.

Q. Now, go forward and tell what took place there.

A. Put this man I caught in charge of Buttermore who had the other man. I walked down where this gang was in front of the beer garden, and somebody hollered: "Mantsch, there goes your man" and I looked around and I saw him running, and I fired one shot, and I caught him.

Q. Did you get him?

A. Yes, sir.

Q. That same fellow you ran after?

A. That is the same fellow I ran after before.

Q. Now, do you know who these men were?

A. Yes, sir.

Q. Who were they?

A. The man that I caught was a man by the name of Flores—who give their address on Cleveland Avenue.

Q. What address?

A. Cleveland Avenue.

Q. Do you know whether or not he had any connection with the C. I. O.?

A. He said he belonged to it.

Q. What occurred after that then?

A. I took them both up to the City Jail and locked them up.

Q. I will ask you if you at any time went over to this Cleveland Avenue after that.

A. No, sir.

Q. Where did you remain the rest of that time?

A. I remained on the end of the viaduct; the east end of the viaduct.

Q. How long did you remain there?

A. Until 7 o'clock the next morning.

Q. You may state whether or not you heard any noise from the vicinity of Cleveland Avenue.

A. Where I was standing I had a good view of Cleveland Avenue.

Q. What, if anything, did you hear?

A. I heard five shots.

Q. Do you know where those shots came from?

A. I couldn't tell. They sounded over there on Cleveland Avenue.

Q. Can you tell us what space between times the shots were fired?

A. It was quick succession.

Q. After that, what, if anything, did you hear?

A. Well, I heard gas guns breaking. I seen a gas gun through the air.

Q. Do you know about what time that was?

A. I don't know about what time it was. Too much commotion where I was. I was excited about that wreck. I didn't notice what time.

Q. With reference to the time that these two cars came together, was this shooting before or after that?

A. After that.

Q. About how long after that?

A. It wasn't very long after that. I didn't time myself but it didn't seem 10 minutes after that.

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) You testified that somewhere between 10 and 10:15 a car with six men drove up where you were?

A. Yes, sir.

Q. Where were you at that time?

A. I was on Cleveland Avenue at that time.

Q. How far from the C. I. O. headquarters?

A. How far from the C. I. O. headquarters?

Q. Yes, sir.

A. I would say 100 feet south on Cleveland Avenue.

Q. What direction was this car coming from?

A. Coming from the south.

Q. That means it was coming from where the plant was?

A. They came across the viaduct. He told me he came from the viaduct.

Q. You stopped the car and asked questions?

A. I asked questions?

Q. Yes.

A. As soon as he said he was coming across the viaduct—my order was to let nobody to cross the viaduct. We were to see to it that nobody else was to come across it.

Q. Did you search this man?

A. I didn't search the man.

Q. Who searched the man?

A. The other police officer.

Q. Did you testify on direct examination that these men were searched or not?

A. I didn't testify that I searched.

Q. You testified that they were searched?

A. I don't believe I testified they were searched. I testified that they were ordered out of the car.

Q. What?

A. That they were ordered out of the car.

Q. Did you order them out of the car?

A. No, I didn't order them out of the car.

Q. Did you see them get out of the car?

A. I seen them get out of the car.

Q. Did you testify that they were ordered out of the car?

A. No.

Q. You left them—

A. I left them with the other police there—

Q. I am asking you—

(The record from the cross-examination of this witness was read by the Reporter up to this point.)

Q. I am asking you if your answer was that you searched the men or not was correct?

A. The other police searched them.

Q. If you said the other police searched them, they did?

A. They did.

Q. Did you search them?

A. What does it say?

TRIAL EXAMINER LINDSAY: Answer the question.

A. I don't know if they searched them.

Q. About what time of the night was this?

A. When that car came over there?

Q. That is right.

A. I would say 10 or 15 after 10.

Q. Were they proceeding peaceably along Cleveland Avenue?

A. I can't tell you about when they came up there—

Q. Do you know what the word "peaceably" means?

A. Yes, sir.

Q. Were they proceeding peaceably in their automobile?

A. The reason we stopped them there—

Q. Can you answer my question?

A. Yes, sir. I said peaceably.

Q. Now, did you say there were a thousand people around the viaduct in that vicinity around 10:15 or 10:20?

A. Yes, sir. I wouldn't exaggerate.

Q. You would say a thousand?

A. I would say a thousand people lined along that street.

Q. You are sure there weren't more than a thousand?

A. Might have been more.

Q. About 1500?

A. Might have been more.

Q. Might have been 1500?

A. I couldn't say how many. Over a thousand.

Q. Might have been about a thousand?

A. About a thousand there.

Q. Might have been three or four or five thousand?

A. I didn't count them.

Q. You didn't count them?

A. No.

Q. There is no limit to the amount of people that might have been there?

A. That is right.

Q. Now, you were excited from the wreck, weren't you ?

You testified in direct examination you were excited from the wreck that took place there?

A. I was a little nervous, and that shooting going on over there.

Q. Well, the shooting didn't take place until after the wreck, did it?

A. After the wreck took place.

Q. Is that right?

A. That is right.

Q. That is what got you going?

A. When the shooting started over the viaduct.

Q. You shot off some shots before you got excited?

A. That is right.

Q. You were a little excited yourself?

A. I was a little excited.

Q. You never saw him in your life, did you?

A. I didn't know who that man was, come in there with that car, pretty near dated everybody's lives, there, and that run away from us. I didn't know whether the man had a stolen car or what it was.

Q. That first thing you did was to shoot?

A. But he didn't stop. You see, I had him under arrest, first, and he broke away and run away.

Q. There was another policeman in whose charge you had left him, is that correct?

A. Beg your pardon?

Q. You had left him in charge of another policeman, is that correct?

A. That is right.

Q. Buttermore?

A. That is right.

Q. It was while he was in Buttermore's charge that he ran away, is that correct?

A. That is correct.

Q. Buttermore had a gun, didn't he?

A. Yes, he did.

Q. He didn't fire, did he?

A. He had two men there.

Q. Did he fire?

A. No, sir, he didn't fire.

Q. How many shots did you fire?

A. One shot.

Q. Did any other officer fire any guns around the viaduct that night?

A. I heard some shots fired.

Q. By officers?

A. I don't know who fired them, I heard some shots.

Q. You don't know, as a matter of fact, whether the officers fired some shots around the viaduct, that time?

A. From what they tell me.
Q. Who told you?
A. Joe Schwinger.
Q. Who fired them?
A. He fired some shots.
Q. Who did he fire them at?
A. He fired at some guy who threw a stone.
Q. Some guy threw a stone, and Joe Schwinger fired his gun?
A. He threw a stone at the car, and he ran after him and fired a shot to stop him.
Q. That was about the time you were firing too, wasn't it? About that time?
A. I fired somewhere around—
Q. 10:20, is that correct?
A. Oh, it was later than that.
Q. What time did you start to fire?
A. I must have fired around—I didn't state what time we was firing, it was, I would say, after 10:30.
Q. What time did you fire?
A. Around about 10:30 and 11:00.
Q. What time did Joe Schwinger fire?
A. It must have been a few minutes after I did.
Q. Who else fired besides Joe Schwinger?
A. Who else?
Q. What other patrolman?
A. I think it was a man named Davenport, because I made the remark—
Q. Wait a minute.
A. There was one was fired under the viaduct and we—
Q. That also was fired by a policeman, is that correct?
A. Yes, sir.
Q. He had fired another shot?
A. Out of a riot gun.
Q. Why did he fire the shot?

A. There was a man under the viaduct, and they were getting him out from hiding, and he would not do that.

Q. So he shot at him?

A. And he shot off to scare him out of there, and he raised up out of the grass. That is what they told me.

TRIAL EXAMINER LINDSAY: Just a minute, off the record.

(Discussion held off the record.)

Q. (By Mr. Lauter) Was there any shooting done by any CIO men, at the viaduct?

A. On this end of the viaduct?

Q. Yes.

A. Not on this end of the viaduct, I didn't see any.

Q. How many police were shooting? You shot, Joe Schwinger shot and Davenport shot, is that right?

A. There was three policemen there.

Q. And this was somewhere between 10:30 and—

A. Between 10:30 and 11 o'clock.

Q. And all these policemen fired off guns before shooting started over at the CIO headquarters, is that correct?

A. That is right, that is right.

Q. Are you a regular policeman?

A. Yes, sir.

Q. Is Davenport a regular policeman?

A. He is on the eligible list, special.

Q. On July 11th was he on the regular police list? Was he a regularly appointed policeman?

A. No, I couldn't say that.

Q. Don't you know that he wasn't? That he was not one of the 18 men who were in the police list?

A. All I know is he is on the eligible list.

Q. I am asking you whether he was one of the 18 on the list?

MR. DAY: Just let him answer.

TRIAL EXAMINER LINDSAY: Just a minute. He is on the police force, and he should know whether this man was or was not on active duty on that day.

THE WITNESS: He was on active duty on that day.

TRIAL EXAMINER LINDSAY: All right. Now, was he, preceding that?

THE WITNESS: Preceding that day?

TRIAL EXAMINER LINDSAY: Yes.

THE WITNESS: Yes, sir.

Q. Do you know how many men there were on the Massillon police force?

A. How many men?

Q. That is right.

A. 18 men, I would think.

Q. Is Davenport one of those 18 men?

A. Davenport was not one of the 18 men prior to that trouble.

Q. I am asking you whether he is one of the 18 regular police officers?

A. No.

Q. Now, he was one of the deputy officers on that day, is that right?

A. I don't know what you mean, deputy officers.

Q. Special officer?

A. Well, if you want to call him a special officer, you can call him that.

Q. Do you know when he got his gun? Did he get his gun that day?

A. I couldn't tell you when he got his gun.

Q. Do you know that some of the officers got guns for the first time that day?

A. No, I don't know that.

Q. Did you have any patrolmen under you?

A. Buttermore.

Q. Did you have any others?

A. That is all.

Q. Was Buttermore one of the regular 18 policemen?

A. No, sir.

Q. Did Buttermore travel around with you?

A. Yes, sir.

Q. When did he first get his gun?

A. I couldn't tell you that, when he first got his gun.

Q. Did he get it when he first came on? Do you remember when he went on the force?

A. No, I don't.

Q. Was it around July 7th or 8th?

A. I couldn't tell you what time it was when he went on.

Q. Was it a month before July 11th?

A. I couldn't tell you that.

Q. Or a year?

A. I couldn't tell you that—it wasn't a year.

Q. It wasn't a year?

A. Why, no.

Q. Was it six months?

A. Why, no, wasn't six months. I couldn't tell you just what time it is.

Q. I am going to try to help you. Was it three months?

A. My—let's see, well, he wasn't on at all until about the first time they put special police on, whenever that was, I don't know.

Q. You don't know whether it was three or four days or three or four months?

A. I don't remember.

Q. And yet you have been travelling around with him?

A. They put him with me, I can't recall the date they put him with me. Whenever they put him with me, he had a gun.

Q. But you don't remember whether it was three or four days or three or four months, is that correct?

A. Before he came in with me, he was out on the road blockade.

Q. Well, you don't remember when he came on with you, is that correct?

A. I can't recall just when he came on with me.

Q. You can't recall whether that was three or four days or three or four months before July 11th?

A. It must have been since the strike was called.

Q. I mean since May 25th or 26th, is that correct?

A. Well, it must have been in sometime—he might have worked with me 30 days before July 11th. I don't recall just how many days.

Q. You don't recall whether it was 30 days?

A. No, I don't recall whether it was 30 days or 45, I couldn't tell you.

Q. Or six months?

A. I could look it up and get it for you.

Q. Now, have you had conversations with any of the patrolmen who were there on July 11th, subsequent to that date?

A. I didn't get that question.

(The last question read by the Reporter.)

A. I didn't have no conversation with anybody.

Q. On July 11th you stayed at the east end of the viaduct when the shooting started, is that correct?

A. I stayed with Buttermore.

Q. You heard the shooting over there on Cleveland Avenue, is that correct?

A. I heard it and seen it.

Q. Did you go over there, though?

A. No, sir.

Q. You stayed over at the east end of the viaduct?

A. Stayed over at the east end.

Q. Do you know who was over on Cleveland Avenue.

A. I don't know who was over there.

Q. Did you hear subsequently who was over there?

A. Did I hear subsequently who was over there?

Q. Yes.

A. I didn't hear who was over there.

Q. Did you have any conversations on the day following with any of the men who were on Cleveland Avenue on July 11th?

A. No, I didn't.

Q. Do you know Mr. Henderson?

A. I know him when I see him, that is all.

Q. Do you know Mr. Fellenvon?

A. Mr. Fellenvon? I see him around every day.

Q. Have you ever spoken to him about the July 11th shooting?

A. No.

Q. Do you know Mr. Moore?

A. Mr. Moore? I know him.

Q. You never spoke to him about July 11th shooting?

A. I am just a patrolman, I have got no business speaking.

Q. Did you ever speak to him at all about the shooting on July 11th?

A. No, I didn't.

Q. Did you make any report to Chief Switter on what happened that night?

A. I did not. I just made out an arrest report on them two men that I arrested.

Q. Did you hear a machine gun that night?

A. No, sir.

Q. You are sure you didn't hear one?

A. I don't know. I have saw a machine gun, and I know must have sound like.

Q. Are you sure you didn't hear any?

A. I didn't hear any machine gun.

Q. Did you hear any rifles or revolvers being shot?

A. Well, when we first started, the first five shots I heard, they were in quick succession, but I don't know what they come out of.

Q. Did you hear any policemen shoot off any rifles or revolvers?

A. I heard a lot of shots, saw some fire coming up from behind the shed, Central Steel Office, I could see the fire.

Q. You saw fire coming from where the policemen

were?

A. I seen a lot of gas shot off.

Q. Did you see any revolvers or guns in their hands?

A. I couldn't see, from where I was at, but I could see them big gas shells going out through the air.

Q. You said you saw some fire in behind the sheds. Where are the sheds located?

A. Located at the house—Do you mean over there near the CIO headquarters?

Q. Describe them as best you can.

A. There is a house set south of the headquarters, and that has a couple sheds, little out buildings, and other houses down in there along the bank.

Q. Is that near the district office of the Republic Steel Corporation?

A. Yes, that is in that district of Cleveland Avenue.

MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Pontius) I want you, Mr. Mantsch, to point out where you saw that firing from, if you can locate it on this plat, Respondent's Exhibit 1? Will you look at it, please? Or have you seen it before?

A. Never seen it.

Q. Will you point out where C. I. O. headquarters is? There is Cleveland Avenue; there is Oberlin; there is the viaduct closest to you. Got that in your mind?

A. Yes, sir.

Q. Where did you hear the firing?

A. This is supposed to be Jackson Street?

Q. Yes.

A. Right down here is an alley here (indicating). There is a house down here (indicating) and right in back of it the C. I. O. headquarters, and there (indicating) is a vacant lot, and another house.

Q. That is, fronting on Cleveland Avenue?

A. Fronting on Cleveland Avenue; and then there is an alley goes back.

Q. In which direction?

A. East towards Jackson Street. It doesn't go to Jackson Street; it goes to another lot. There is some sheds in the back. That is where the firing was coming from.

Q. Could you indicate with this pencil about the point where you saw the firing come from?

A. In here (indicating). From the sheds near here, and one there from that corner (indicating). That is where it seemed to come from.

MR. PONTIUS: Indicating just to the east of what is marked on this plat the figures 4135.

Q. How much firing did you hear coming from that point?

A. I couldn't hardly hear it; you could see the flame when the shot was fired.

Q. Could you tell in what direction those shots were being directed?

A. The firing was like that going towards the Central Steel office.

MR. PONTIUS: That is all.

Recross Examination

Q. (By Mr. Lauter) You referred to an alley just now. Is that correct?

A. I beg your pardon?

Q. Did you refer to an alley just now?

A. An alley goes right up through here (indicating). I know that country like a book.

Q. See this parallel line running south of 4195 (indicating)?

A. What line is that?

Q. Right through here (indicating)?

A. Yes, sir.
Q. What is that? Is that a street?
A. Might be a street but—
Q. Is it a street?
A. It is a street there?
Q. Is it in front a street?
A. Yes, it shows a street.

MR. LAUTER: That is all.

MR. PONTIUS: I think that is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: Adjournment until 1:30.

(Thereupon at 12:05 o'clock p. m., an adjournment was taken to 1:30 o'clock p. m.)

Afternoon Session

(Whereupon, at 1:30 o'clock p. m. the hearing was resumed and the following proceedings were had):

TRIAL EXAMINER LINDSAY: The hearing is called to order.

ORA ICKES

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Ora F. Ickes?
A. Yes, sir.
Q. Please keep your voice up so we can all hear you. Where do you live, Mr. Ickes?
A. 1009 Rotch Avenue, Massillon.
Q. What is your business?

A. Policeman.

Q. In what city?

A. Massillon, Ohio.

Q. How long have you been a policeman in the City of Massillon?

A. About eight years.

Q. Now, Mr. Ickes, going to the Sunday evening, the 11th of July, 1937, I will ask you whether or not you were on duty that evening.

A. Yes, sir.

Q. What time did you go on duty?

A. Why, my reporting time—I started to work was 10 o'clock, and I reported between 9:30 and 9:45 at police headquarters.

Q. From police headquarters where did you go?

A. I was directed to go to the C. I. O. headquarters on Cleveland Avenue, S. W.

Q. Who directed you to go there?

A. Captain Curley.

Q. Did you go to that headquarters?

A. Yes, sir.

Q. Now, where did you go when you first got there?

A. I went down from Cleveland Avenue about 100 feet south of that headquarters. There was some police standing along the line there. When I got there I stood there a few minutes, and I walked over directly across the street from that headquarters.

Q. No; before answering further, what police officers were there when you got down there?

A. Special Officer Kraft and Creger.

Q. What was the other name?

A. Creger. I don't know how to spell it.

Q. Who else?

A. Well, there was a few more down there but I didn't take notice who they was.

Q. Now, what, if anything, did you do when you got there? Go forward, tell what happened?

A. I saw there was a large group of men standing around, out in front of the CIO headquarters, and across the street on the sidewalk in the middle of the road, a lot of men standing. So I walked up in front of the CIO headquarters directly across the road from it, stood in the doorway of a building. While I was standing there some of these men started to yell, "Let's get the police, let's get them sons-of-bitches," so I called back to the other police officer that was back further, south of the line, for a police car there. My intentions was taking them out of there before they started any trouble.

MR. LAUTER: May we have the time fixed on this?

MR. PONTIUS: Yes, I will try to fix it.

Q. About what time was it you got down there, Mr. Ickes?

A. Well, I have an idea between 9:45 and 10:00 o'clock. And nobody responds to my call back there, so I walked back, and one of the officers says, "We have a car here in the middle of the road, and we do not want to move it, we should let it sit until the other car came." Well, I walked back to the place where I was across from the CIO Hall.

Q. Now, just a minute, what is across from the CIO Hall there?

A. A brick building. People lived in there, that is—I don't know what they have in the place.

Q. Is there any building to the south of that brick building?

A. No, there isn't.

Q. Going north on Cleveland Avenue, on the west side, from Oberlin Court, what is the first building along there?

A. This brick building.

Q. The building you went to?

A. On the left side.

Q. Where is the CIO headquarters?

A. Directly across the road.

TRIAL EXAMINER LINDSAY: May I ask one question, Mr. Pontius?

MR. PONTIUS: Yes.

TRIAL EXAMINER LINDSAY: This is all supposed to have happened on July 7th, is that right?

MR. PONTIUS: No, the 11th. The 11th—pardon me—I am not sure, but I think the record is clear on that.

TRIAL EXAMINER LINDSAY: That is all right, it is now.

Q. (By Mr. Pontius) Now, after you walked back and had this conversation with these officers that you have related, what happened then?

A. I walked back up to across from the CIO office where I was to begin with, to where those men was hollering. And I looked around and I took notice that these men had been gone—or was gone when I got back there, so I turned around and went back to our line. I told them, "It is no use to bother when the car comes, that they took them men away."

Q. Did you notice anything about—

MR. LAUTER: May I have that last answer read?

(The last answer was read by the Reporter.)

Q. Now, from that point on what happened there?

A. Well, we stayed around there a while, there seemed to be a lot of disturbance, these men working around up there across from the CIO office, in front of the CIO office. We stayed around there for a while and Captain Curley told—

TRIAL EXAMINER LINDSAY: Now, just a minute. "There seemed to be a lot of disturbance"—strike that out. Tell us what actually you saw and nothing else.

A. Well, Cap Curley lined seven or eight of us, maybe six or seven, I don't know, but some of us across the road,

us fellows that had the gas guns, across the road. He said he was going—

Q. Now, what did he say?

A. He said he was going over and tell those people to move, that it was late enough, that he was going to have them move off of the street.

Q. Yes.

A. Break them up.

Q. You say a line of six or eight of you across the street? Now, did you ever see this exhibit? Respondent's Exhibit No. 1, this plat? I call your attention to the plat here, the viaduct, here is Erie Street, here is the viaduct. Oberlin Avenue and Cleveland Street southwest. And it has been indicated that the CIO headquarters were at that point. Do you see there?

A. Yes, sir.

Q. And where, about where were these men lined up?

A. About 100 yards south—or 100 feet south of the CIO Hall headquarters, along in here (indicating).

Q. And where, with reference to Cleveland Avenue?

A. On Cleveland Avenue.

Q. How were they lined up? Just tell the position there.

A. A line straight across the road.

Q. Now, do you know who all were lined across the road there? Just name all that you can name, that were there?

A. I don't know all of the men, myself, that was there.

Q. Well, the ones that you know were there? Just tell us about them.

A. Well, Officer Kelley was there. Officer Fellenvon was there, and I think a couple of sheriffs there and I think a couple of special men were there—special police, but I—

Q. Can you name any more that you recall was there?

A. No, I didn't pay that much attention to how many men was there.

Q. Now, did these men have any weapons that you know of?

A. These men?

Q. These men that were lined across the street there?

TRIAL EXAMINER LINDSAY: May I ask, who was lined across the street.

MR. PONTIUS: He just said the officers were lined across the street.

THE WITNESS: Well, Officer Kelley, I know had a gas gun and he was standing there with me, aside of me.

Q. What did you have, if anything?

A. A gas gun.

Q. Then you started to see what Mr. Curley said? What did Curley say?

A. He was going over up to this crowd on the front of the C.I.O. headquarters—in front of the C.I.O. headquarters—going to break up the crowd; going to get them on their way. Just as he started over there getting about halfway between the C.I.O. headquarters up the line, there was four or five shots came out along in the vicinity of the C. I. O. headquarters; stones started to fly.

Q. Had there been any shots fired in that vicinity prior to the shots you have described to us? Go forward and tell what happened.

A. We started firing. I don't remember whether—I started firing gas shells over against the front end of the building.

Q. Just go forward and tell us what happened; and tell all that took place then.

A. Well, we started to fire the gas shells, and after we shot some gas into them, they started to disappear somehow. There was still some across the street but not all of them. All of them didn't disappear but most of them did. I don't know where they were. They ran all over, I guess.

Q. What took place after that with respect to the shooting?

A. Well, a little while later the Canton police arrived and they drove up through Cleveland Avenue with their armored car, and shot gas—what they needed to clear the street. That is all there was to it.

Q. Now, aside from the shots you have described, did you hear any other shooting?

A. Yes, sir.

Q. Tell us about it.

A. I heard the bullets whiz, and I don't know who was doing the shooting.

Q. Could you tell the direction in which the bullets were fired?

A. Not exactly; they were coming in all directions. They sound[illegible]l like that to me.

Q. What position did you maintain there?

A. I was along the south side of the building opposite the C.I.O. hall—the brick building.

Q. From your position could you—what view did you have from the south side of the building?

A. The only place I could see was directly in front of the C. I. O. office down east along the railroad.

Q. Now, about how long was it after the first firing that the Canton police got there?

A. Oh, I have no idea.

Q. What?

A. I don't know.

Q. What is your best judgment about it?

A. Why, I have an idea rather half an hour, 35 minutes, maybe 40.

Q. Now, in the meantime, what was going on there? Tell us as you remember, Mr. Ickes. What was going on there among this crowd of people?

A. While the shooting was going on?

Q. Well, the first shooting.

A. There was a lot there. We were all standing there. There wasn't nothing going on through our men.

Nothing going on at all. We were just stationed—standing there.

Q. Now, when the Canton police came, then what happened?

A. They drove up through Cleveland Avenue with their armored car and shot gas.

Q. How large a building is that one in back of which you were located? I mean in height.

A. Oh, about a story and a half.

Q. Now, you have said that bullets kept whizzing around. Could you tell where they came from?

A. No, I could not. They were either coming from the west or the east. They had to be coming from the west or the east from where we were or where I was.

MR. PONTIUS: I think that is all.

Cross Examination

Q. (By Mr. Lauter) What time did you say when you came on duty on July 11th?

A. Around 9:45; maybe a little before.

Q. Had you had a previous assignment for that night?

A. No, I had—yes, sir, I had.

Q. Where were you supposed to go?

A. Down to Union Drawn Company.

Q. And were you supposed to go there around 10 o'clock, is that right?

A. Yes, sir.

Q. Did you go to the Union Drawn Steel Company that night?

A. After we got done up with Cleveland Avenue.

Q. What time did you let up on Cleveland Avenue?

A. Well, some time between 12 and 12:30.

Q. Now, you say that you were given instructions to report to the Cleveland Avenue; is that right?

A. Yes, sir.

Q. When you got down to the police headquarters?

A. Yes, sir.

Q. Who gave you those instructions?

A. Captain Curley.

Q. Had you ever received instructions from Captain Curley before?

A. No, sir.

Q. Had Captain Curley any authority to give you any instructions as far as you know?

A. As far as I know he was then.

Q. What authority do you know he had to give instructions as to where to go?

A. Well, there was rumors that night when I went to work that Captain Curley has charge of the police department.

Q. There were rumors?

A. Yes, sir.

Q. And it was on the basis of those rumors that you accepted his instructions to go to Cleveland Avenue; is that right?

A. Well, the operator was there to—

Q. I am asking you whether or not that is correct?

A. Yes, sir.

Q. Who else went with you to Cleveland Avenue?

A. John Gallagher; my partner.

Q. Is he a regular policeman?

A. A special officer.

Q. And he accepted Curley's instructions to go to Cleveland Avenue?

A. Yes, sir.

Q. About what time did you get to the C. I. O. headquarters or in that vicinity?

A. Between 9:45 and 10 o'clock.

Q. Who had given you orders to go to the Union Drawn Steel?

A. When do you mean; that night?

Q. Previous to that night?

A. The Chief of Police.

Q. Now, tell me what you did as soon as you got out at Cleveland Avenue.

A. I went down to Union Drawn Steel.

Q. What is that?

A. I went down to Union Drawn Steel.

Q. Tell me what happened when you got down to Cleveland Avenue on July 11th. You say you got there around 10 o'clock?

A. Between 9:45 and 10 o'clock.

Q. What did you do?

A. I stayed around there a while; I seen a bunch of fellows around there from headquarters.

Q. Were there any other officers on the line there?

A. There were some on the line.

Q. What were some of their names?

A. I don't know—Officer Kelley—he was one of them. Kraft was one of them; Creger was one of them.

Q. Who?

A. Creger.

Q. Yes.

A. I think Henderson was there.

Q. Fellovan was there, too, wasn't he?

A. I think he came there a few minutes after I got there.

Q. A few minutes after you got there; after 10?

A. After I got there. At least I didn't notice.

Q. Did you speak to any of these officers when you got there?

A. Yes, I spoke to them.

Q. What is that?

A. Yes, I spoke to them.

Q. Whom did you speak to?

A. Well, there was a gang of them there. I walked up and said: "Hello."

Q. To whom?

A. To the bunch of them—Kraft, Creger, Henderson, and Kelley.

Q. What did they say?

A. They said: "Hello."

Q. What happened after that?

A. I walked away from them. I walked up in front of the C. I. O. headquarters.

Q. Now, who suggested to you or was it suggested to you that you should walk up in front of the C. I. O. headquarters?

A. Nobody.

Q. Why did you go over there?

A. I went up to see; I was going on.

Q. Yes. What happened?

A. I stayed there a while, and I heard these foreigners saying: "Let us get the police; let us get the sons-of-bitches."

Q. Can you identify any of those who said that?

A. No, I can't.

Q. How many said that?

A. I don't believe I could.

Q. How many said that?

A. Oh, two of them was arguing. One of them said it but the two of them was arguing.

Q. You say they were arguing?

A. Yes, they were pretty loud.

Q. And one of them said: "Let us get the sons-of-bitches; let us get the police?"

A. Yes.

Q. What did the other one say?

A. Well, they were both talking in foreign languages. I could understand that when they said: "Let us get the police," but I couldn't understand the rest much.

Q. They said that in English?

A. Yes; and I hollered for the police car.

Q. Is that all you heard that day? Just those few words?

A. Yes; that is when I paid attention to when they said about the police, and the sons-of-bitches.

Q. Then what happened?

A. I called the police car, and it didn't come, so I went up to see what happened.

Q. Whom did you speak to?

A. Officer Kelley there.

Q. What did you say to him?

A. I asked him for a car. Captain Curley happened to be there, and I asked him for the police car. I said there was some men up here disturbing the peace.

Q. What time was this?

A. I didn't look at my watch.

Q. What time was it?

A. I don't know.

Q. You don't know what time it was?

A. It was after 10 o'clock.

Q. How long after 10 o'clock?

A. I don't know.

Q. What time did you arrive there you say?

A. Down there?

Q. Yes.

A. Between 9:45 and 10 o'clock.

Q. Now, you walked over to the C. I. O. headquarters?

A. No, I went up and spoke to the men first.

Q. After you went up and spoke to the men, how long did you speak to the men?

A. A minute or two.

Q. And then you went up to the C. I. O. headquarters?

A. Yes.

Q. How long did you stay there?

A. Maybe 15; maybe 20 minutes.

Q. Maybe an hour?

A. No, it wasn't an hour.

Q. Was it a half hour?

A. Maybe 15 or 20 minutes.

Q You were standing in front of the C. I. O. headquarters?

A. No, sir, I was across the street.

Q. And you heard this conversation?

A. Yes, sir.

Q. They were standing in front of you?

A. They were standing in front of me.

Q. Then you went up for the police car?

A. I hollered for the police car first and it didn't come up so I walked back.

Q. When you walked back you saw Captain Curley there?

A. Yes, sir.

Q. He was the man who had at 9:45 given you instructions to go up there; is that right?

A. Yes, at police headquarters.

Q. And at 10:25 he was already there?

A. 10:25?

Q. Captain Curley was at Cleveland Avenue?

A. Around that; maybe 25 or 10:30. I don't know what time it was.

Q. Might have been 11 o'clock?

A. No, it wasn't 11 o'clock. These fellows fired at us at 11 o'clock.

Q. Did you hear any shooting from the viaduct?

A. Yes.

Q. What?

A. There was some shots fired across the viaduct.

Q. When did you hear them fired?

A. Before 11 o'clock.

Q. Was that before or after you went to get the police car?

A. I don't remember.

Q. Now, about 10:30 what was the formation of the police on Cleveland Avenue?

A. I don't remember.

Q. Do you know whether they were lined up or not?

A. I don't remember how they was lined. When he lined them up exactly the time, I don't know.

Q. Did you see them lined up any time that evening?

A. Yes, a little before 11 o'clock, but he told us he was going to break them up.

Q. He told you he was going to break them up?

A. Captain Curley said that, yes.

Q. Who told you that?

A. Captain Curley.

Q. Did he go over alone or with someone?

A. Special Officer Henderson, I think, was with him.

Q. What else did Curley say besides the fact that he was going to break them up?

A. Nothing.

Q. What is that?

A. Nothing.

Q. Were you near him?

A. Yes.

Q. When he said it?

A. Yes.

Q. If he had said anything else, you would have heard it?

A. Yes, I didn't hear him say anything.

Q. Now, did you shoot any of the gas shells?

A. Yes, sir.

Q. How many?

A. 95 or 96.

Q. That is during the entire course of the evening?

A. Yes, sir.

Q. Fire any bullets?

A. No, sir.

Q. Were any other officers firing any bullets?

A. No, sir.

Q. Didn't you see a fellow use a machine gun?

A. No, sir.

Q. You are sure you didn't?

A. Yes, sir.

Q. Where were you standing—did you say opposite the C. I. O. headquarters?

A. Yes, sir.

Q. That is about this point on the map (indicating)?

A. Yes, sir.

Q. You were standing in front of a brick building?

A. No, sir, alongside of a brick building when the shooting occurred.

Q. Did you see the fellow at the time the shooting started?

A. No, I don't know. I didn't pay no attention. He was alongside of me. I was looking out for myself.

Q. But didn't you see any other police officers at all after 11 o'clock?

A. I didn't see them shooting.

Q. You didn't see any other officers besides yourself shooting after 11 o'clock?

A. No, sir.

Q. Did you hear any shooting going on?

A. Yes, sir.

Q. But you didn't look around to see?

A. No, sir.

Q. Did you hear any shots from rifles at all?

A. I heard shots from revolvers whatever it was.

Q. Did you hear any shots from revolvers or guns from where the police were standing?

A. I couldn't say, they were coming shots from all around, it sounded like to me.

Q. Well, were some of the shots coming from where the police were standing?

A. Yes, and some were coming from across the road from where they wasn't standing.

Q. Answer my question, I am asking you whether or not—

A. I don't know.

Q. —whether or not any shots were coming from where the police were standing?

A. I didn't hear any, I didn't hear any.

Q. But you did hear some from where the CIO was, is that right?

A. I could hear them all around.

Q. If you heard them from all around, did you hear any from where the police were standing?

A. All around me there was shots.

MR. LAUTER: I will ask the Reporter to read the last question.

(The last question was read.)

A. I suppose they was from where the police was standing.

Q. What do you mean, you suppose? Were they or weren't they?

A. I couldn't say.

MR. LAUTER: Read back about the last 20 questions and answers.

(The record was read by the Reporter.)

Q. Did you hear that question and answer?

A. Yes, sir.

Q. I am going to repeat the question again.

A. I answered it.

Q. I am going to repeat the question again. Did you hear any shots coming from where the police was standing?

A. Yes, sir.

Q. Bullet shots?

A. I heard some cracks, of a gun, over that direction.

MR. LAUTER: Read the question.

(The last question was read by the Reporter.)

A. I heard guns cracking all around me, there.

Q. Are you willing to testify that you did not hear police shoot guns? That contained bullets, that night?

A. Well, if they were the police back there—

Q. I am asking you whether or not you are going to testify that you didn't hear policemen shoot guns and bullets that night?

A. I heard bullet shots. I won't say that it was policemen's guns.

Q. That is what I want to know, are you willing to testify that you did not hear policemen shoot guns with bullets that night?

A. Why, I would not get up and say that I heard policemen shoot, because I didn't hear them. I didn't know who was doing the shooting. There was so many shots fired that night, all around you, and bullets was around you, I couldn't say who was doing the shooting.

Q. You couldn't tell whether the policemen were doing the shooting?

A. The police must have—probably was doing some shooting, but it wasn't all done by the police, I don't suppose.

MR. LAUTER: Well, I move the answer be stricken as not responsive.

TRIAL EXAMINER LINDSAY: Yes, answer his question. Read the question.

(The last question and answer read.)

Q. You say the policemen must have been doing some shooting?

A. Why, they must have, I suppose. I wouldn't know what they was up there for. I know I done some shooting. I stood there. When they started shooting at me, I started shooting.

Q. You say you would not know what they were up there for, if they were not shooting?

A. Sure.

Q. Were they up there to do shooting?

A. No, but when a policeman is sent out and they shoot at him, he ain't supposed to stand there and look at them.

Q. How many shots did you hear come from the direction of the CIO headquarters?

A. I don't know. You mean at the beginning?

Q. That is right.

A. Four or five.
Q. What happened after that?
A. Why, I started shooting.
Q. Were you shooting alone?
A. No, I heard shots, other shots.
Q. How long did that shooting continue?
A. Oh, I don't know, I don't know just exactly how long.
Q. Well, five minutes or an hour?
A. Maybe ten or fifteen minutes, I don't know.
Q. Did you hear any more shots from the direction of the CIO headquarters, during the time of that shooting? The ten or fifteen minutes you are now referring to?
A. No, there was so much shooting going on, I don't know where it was coming from, all.

MR. LAUTER: I move that answer be stricken out as not responsive.

TRIAL EXAMINER LINDSAY: The answer is stricken.

MR. LAUTER: Read the question.

(The last question was read by the Reporter.)

A. No, sir.
Q. During that ten or fifteen minutes, was there firing by the police?
A. Firing by somebody, I would not say that it was the police. I didn't see them fire.
Q. You would not say that it was the police?
A. I can't say that it was the police. I didn't see them shoot.
Q. How far away were these officers from you at the time of this shooting you are now referring to?
A. Why, I have an idea about 100 feet.
Q. They were 100 feet from where you were?
A. Yes, sir.
Q. How far away from the CIO?
A. Directly across the street and alongside of the building.

Q. You never looked around to see who was doing the shooting?

A. I looked across the road.

Q. And you heard shots coming from the direction of where the police were?

A. Yes, sir.

Q. Now, about how long after the shooting started did the Canton police come?

A. Oh, I have an idea 30 or 35 minutes, maybe 40 minutes.

Q. Was there shooting going on during all that time?

A. No, they quit once, shooting.

Q. Who quit?

A. All of them.

Q. Did the police quit?

A. There wasn't no shooting, the police and the CIO.

Q. Did you quit, also?

A. Yes, sir.

Q. Now, during that 30 to 40 minutes, did the people remain on the streets, or were they scattered?

A. There was people on the streets.

Q. During all that time?

A. Do you mean during the time there was no shooting?

Q. During the 30 to 40 minutes after the shooting started, were there people on the street, or not?

A. Yes, until the Canton police came.

Q. During all of the firing of the tear gas shells by you and other officers, tear gas by you and other officers, people still stood on the street, is that right?

A. People were still on the street.

Q. About how many people would you say were on the street?

A. I don't know, I have no idea.

Q. Until the time the Canton police arrived?

A. I don't know, I have no idea. I didn't get up in there, gas was being used, I didn't get up in there.

Q. You were across the street from the CIO headquarters?

A. I was along the building.

Q. How is that?

A. I was along the building, across the street.

Q. You saw people standing on the street, didn't you?

A. Yes, there were people on the street.

Q. About how many people were standing on the street, when the Canton police arrived?

A. I don't know.

Q. Were there 10 or 1000?

A. Maybe a hundred.

Q. How many were there at the time that you arrived, which was about 9:45 or 10:00 o'clock?

A. I have an idea around 300, maybe 350.

Q. And during all of the firing, about 100 remained on the street?

A. Yes.

Q. Is that right? When you first came there, were there any women and children there?

A. I believe there was.

Q. When you fired, were you firing into a crowd that contained women and children?

A. I didn't fire into the crowd.

Q. Where did you fire?

A. I fired up above, over them, over the crowd.

Q. Well, there was a building over the crowd, wasn't there?

A. Yes.

Q. Where did you fire? Into the building?

A. Against the building up above.

Q. And shells had to drop down in front of the building, wouldn't they?

A. Yes.

Q. And people were standing in front of that building?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. Including men, women and children?

A. I don't know if there were any women and children over there or not. I think there was some children and ladies around there, but I don't know exactly where they were.

Q. But you fired over them?

A. Sure, I fired. They fired at me, and I fired back.

Q. Did they fire at you?

A. They fired over towards me.

Q. Those four or five shots that came out of the CIO headquarters, did they come in your direction?

A. Yes, sir.

Q. Where were you standing at that time? Suppose you indicate on the map the four or five shots you say that were fired at you, is that right? You were there? Right opposite CIO headquarters, is that correct?

A. Not when this shooting started, I was down in the line across the street.

Q. Where was the other police officers?

A. In line across the street.

Q. Are you sure they were up here?

A. I was right in line here, right straight across. I was in line with Captain Curley and Henderson, when they walked over to the CIO headquarters.

Q. How far away were you from Captain Curley and Henderson, when the shooting started?

A. I have an idea about 50 feet, when the shooting started.

Q. 50 feet away from him?

A. Yes. We was about 100 feet from the CIO headquarters, and I have an idea they got about halfway up there.

Q. When you say "we" you mean those who were lined up there? Policemen who were lined up?

A. Yes, our picket line—or our line of police were across the road.

Q. Who lined up the police?

A. Captain Curley.

Q. What did he say when he lined them up?

A. He didn't say nothing, he just told us to get lined up across the street, there, that they were going to go up and ask the crowd to break up.

Q. Are you a regular policeman?

A. Yes, sir.

Q. You know that there were some special policemen appointed?

A. Yes.

Q. To the staff, is that correct?

A. Yes, sir.

Q. Do you know whether or not some of them did not receive their guns for the first time that night?

A. I can't tell you that. I know my buddy, the fellow that was with me, didn't even have a gun that night.

Q. Was he a regular policeman?

A. No, sir, a special man.

Q. He didn't have a gun?

A. All he had was a night stick and whistle.

Q. Did he use the gun that night?

A. No, I don't think he did. I sent him back, when we went down there, I told him to stay back of the Central Steel office.

Q. When did you tell him to go back to the Central Steel office?

A. When we come down there, I told him no use of him to go up there with a club, I says, "If anything does happen to start, that you couldn't do no good with your club."

Q. When did you tell him that?

A. When we got there.

Q. About what time was that?

A. Between 9:45 and 10:00 o'clock.

Q. Did you expect trouble at that time?

A. Sure, I expected trouble because I would not have been sent down there.

Q. You mean, between 9:45 and 10:00 o'clock when you got there?

A. No.

Q. You expected trouble?

A. No, not then I didn't expect trouble. But I just told him to get back off the line, get back of the Central Steel Office.

Q. Why did you tell him to go back by the Central Steel Office?

A. Because I didn't want him up there.

Q. Why?

A. Because, if anything started, I didn't want to see him hurt.

Q. Well, you expected something to start, didn't you?

A. When we went down there I did, yes.

Q. At 10 o'clock?

A. That night.

Q. At 10 o'clock?

A. Any time that night.

Q. Well, you got there at 10:00, didn't you?

A. Yes.

Q. And you expected trouble at that time?

A. Any time after 10:00, I looked for trouble, yes.

Q. About a minute after, you expected, didn't you?

A. Oh, not exactly a minute after.

Q. Now, have you had any conversations about the July 11th shooting with Mr. Curley? Captain—

A. No, sir.

Q. Major Curley, after that date?

A. No, sir.

Q. Or with any other police officers?

A. No, sir.

Q. Did you ever speak to Kelley, the man that was with you, after that time?

A. No, sir.

Q. Where did you get the tear gas that you used in your gun?

A. Out of the police car.

Q. Where was the police car stationed?

A. Parked in the middle of the road, on Cleveland Avenue.

Q. When did you first go and get the tear gas out of the car?

A. About—Well, between 9:45 and 10:00 o'clock.

Q. That was before any shooting had taken place, is that correct?

A. Yes.

Q. About what time did the shots come out of the CIO headquarters that you testified about?

A. Around 11 o'clock.

Q. About an hour before, then, you went and you got some tear gas out of the car that was situated on Cleveland Avenue?

A. Yes, sir.

Q. And you then stationed yourself directly across from CIO headquarters, is that right?

A. No, sir.

Q. Well, not far from direct across, is that right?

A. Yes, sir, not very far across.

Q. Did you have your tear gas gun with you then?

A. Yes, sir.

Q. And you had it loaded?

A. Yes, sir.

Q. And you had more tear gas?

A. Yes, sir.

Q. How many projectiles did you have, at 10 o'clock?

A. Nine of them.

Q. Nine of them?

A. Yes, sir.

Q. And after the shooting started, you fired all of them?

A. No, I didn't fire all.

Q. How many did you fire?

A. Five of them.

Q. What did you do with the rest?

A. Had them in my pocket.

Q. Did you use them that night?

A. No, sir, took them back to the police station.

Q. How does it happen you did not use the rest of them?

A. Why, I didn't need to use them.

Q. Five was enough?

A. That is all I see that had to be used.

Q. Now, when Curley and Henderson started to walk from the line where the policemen were to CIO headquarters, where were you at that time?

A. I was about 100 foot south of the CIO headquarters.

Q. Were you on a line with the other policemen?

A. Yes, sir.

Q. Did you advance with Curley and Henderson, or did you remain on the line?

A. I stayed there until they—after these five shots come out of CIO headquarters, then I went up along this brick building.

Q. Did you hear Curley or Henderson say anything as they advanced?

A. No, I didn't.

Q. Didn't you hear them say a word?

A. No, sir.

Q. After the shooting started, did you see Curley and Henderson do anything?

A. I saw them drop down.

Q. Did you hear them say anything at the time that they dropped?

A. No, I didn't.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Pontius) Mr. Ickes, did you have your revolver with you that night?

A. Yes, sir.

Q. Did you fire that at all that night?

A. No, sir.

Q. What did you fire?

A. Gas.

Q. Anything else?

A. That is all.

Q. Now, the other policemen, do you know what they fired that night?

A. No, I don't. I was looking out for myself.

Q. What?

A. I was looking out for myself. I had a gas gun, shooting over against this building.

MR. PONTIUS: That's all.

MR. LAUTER: That's all.

(Witness excused.)

HARRY O. CURLEY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?

A. Harry O. Curley.

Q. And your age?

A. 54.

Q. Your residence?

A. 102 Curley Court, Massillon, Ohio.

Q. How long have you lived in Massillon?

A. 54 years, barring the time I was away. That has been my residence.

Q. Where did you live before that?

A. I never lived any place else before that.

Q. Oh, 54? I didn't understand you, I thought you said four years. I beg your pardon. You were in the Spanish-American War?

A. I was.

Q. With what rank?

A. What, I beg your pardon?

Q. What was your rank?

A. Private.

Q. Were you in the World War?

A. I was.

Q. With what rank?

A. Captain, Major.

Q. Are you now a retired Army officer?

A. I am.

Q. With what rank?

A. Major.

Q. And have you had some experience in organizing men, regiments, troops?

A. I have.

Q. Do you know Chief Switter?

A. I do.

Q. Do you know Mr. Case?

A. I do.

Q. Were you in Massillon when a strike was called there at the Republic plant on May 25th last?

A. Now you got me, I don't know.

Q. Well, were you in Massillon for sometime after the strike had started, at any event?

A. Yes.

Q. What was the first contact you had with anybody, with relation to your taking any part in the strike activities?

A. Oh, I had a man by the name of Mr. Smith come to see me first—N. R. A. Smith, I called him. He had charge of the NRA work in Massillon during that proceedings there. He come down and asked me if I would go on the police department. I told him no, I didn't have time to go on anything. I was going away for the summer and I didn't want to go on anything at all.

Q. What was this man Smith's first name, his full name?

A. Well, now I can't tell you that. All I know is that he was connected with the NRA during the time that that was in force.

Q. About when did that conversation take place?

A. I think that was sometime in June.

Q. Can you tell us where it took place?

A. At my residence.

Q. And nothing came of that?

A. No, I refused to have anything to do with it.

Q. Did you have any talk with Mr. Case, secretary of the Massillon Chamber of Commerce, upon the subject I am asking you about?

A. We used to meet in Baltzly's Drug Store quite often, discussed pro and con, yes.

Q. Did you have any talk about your becoming active in connection with the strike?

A. No, not at that time.

Q. When, if at all, was the first talk upon that subject?

A. We were sitting in Baltzly's Drug Store drinking a soda, Mr. Case interviewed me on it, said things were pretty serious in Massillon, and asked me what I thought about our police department. And I said I guess things

could be handled if the chief wanted to handle them. I said that I didn't think that anything was so serious but what could be handled.

Q. About when did that conversation take place?

A. Oh, probably in June sometime.

Q. At Baltzly's Drug Store?

A. Baltzly's.

Q. Did you have any talks with Mr. Case upon the same general subject after that talk you had told us about?

A. I believe I did. We used to meet in Baltzly's drug store quite frequently, talked over the conditions in town.

Q. Can you recall anything that was said at these other talks?

A. Oh, he said to me, he said, "You have had quite a bit of organization work," and he said, "if you was going to organize the department, how would you go about it?"

"Well," I said, "that would be very easy, I would—I had quite a lot of success during the World War in organizing a company." I said, "I most always took into consultation the manufacturers of the town; that is, the heads of the industries, and had a talk with them, and generally used to get some men out of there, during the World War. I thought probably the same thing could be applied in Massillon, if it wanted to be, for the police department."

Q. State whether or not, after that conversation with Mr. Case, you had a conversation with Chief Switter?

A. Yes.

Q. Was that a face to face talk with Chief Switter, or telephone talk?

A. No, that was a face to face talk.

Q. And where did that take place?

A. In the Chief's office.

Q. How did you happen to go there upon that occasion?

A. Well, I had been away all day and I came home and my next door neighbor told me that the cruiser car

and Mr. Pettit, Patrolman Pettit had been at my house.

Q. Yes.

A. And he said that the Chief wanted to see me at his office as soon as I was available.

And I had an appointment with an eye specialist at the time, Doctor Stewart. I had an eye infection, having quite a bit of trouble with my eyes, so I went on up to the eye specialist and I had my eyes treated there, and while I was having them treated why the telephone rang and they asked if I was there and they said yes—I presume they said yes—I presume they said yes because the young lady came in and said that "The Chief of Police wants to see you at his office just as soon as you can get over there, from here." She said, "What have you been doing, speeding?" I said, "I don't know." So after I got out of the eye specialist, why I walked on over there.

Q. Now, about what time of day was that?

A. Oh, that was about 4:30.

Q. Can you fix the day of the month?

A. Yes, that was the sixth of July.

Q. The 6th of July?

A. Yes, sir.

Q. And did you see the chief in his office?

A. Yes, I went into the office. There was quite a delegation when I got there.

Q. Well, now, will you just tell us as near as you can who was there?

A. Well, Mr. Case was there, Paul Quigley was there, Mr. Blountz was there, Mr. Peppert was there, Mr. Angstedt was there, the city solicitor was there, and the mayor, and the chief of police.

Q. Tell us as near as you can what was said.

A. Well, I walked in, I said, "Hello, Chief, did you want to see me?"

He said, "You bet I do." I says, "Guilty or not guilty?"

He said, "I want you to assist me." I said, "In what?"

"Why," he said, "building up my police force." I said, "Why pick on me?"

So the Chief—then I think Mr. Case and Mr. Quigley got up and left, and I think Mr. Peppert and Mr. Angstedt —I guess I got that name right, Angstedt, I don't know— and Mr. Blountz—they excused themselves and they got up and left.

Q. Did that leave anybody there besides you and the Chief?

A. Yes, that left the city solicitor and the mayor, the chief, and I.

Q. What was said after you and those men were left alone, there?

A. Well, he said—that is the Chief—he said, "Cap, we would like to have you serve us."

I said, "I am not so hot about doing anything." I said, "I am going away for the summer, up into Wisconsin, and I want to get started as soon as I can get my things in shape."

He said, "I would like to have you help me secure some good men." Well, it came along about 5:00 o'clock, that time I had an engagement, about that time, for dinner, and I said, "I will let you know tomorrow." I said, "I am not going to let you know, now. I will let you know tomorrow."

Q. Were you going to Wisconsin on vacation, or what was it?

A. Vacation.

Q. All right. Now, the next day did you see the chief?

A. Yes, I went up to the office then as I promised, about I think it was about 8:30 in the morning.

Q. You saw the Chief?

A. No, he was not there.

Q. All right, did you see him later?

A. [Not visible on copy.]

Q. What did you do later?

A. So I went on down to Stofer's Drug Store—that is my hangout; and then I called him up by the telephone, and I said: "Well, Chief, are you still of the same idea that you was last night that you wanted some men?" He says: "Yes; you can't get them too damn quick." I said: "Why?" He said: "I will tell you when I see you." I said: "Well, I will make arrangements with Mr. Case to arrange a meeting of all the industrial heads for a dinner at the City Club. I want you—I want him—I want the Chief or the City Solicitor, the Mayor, and the Service Director present at that dinner." He says: "O. K." So I didn't see him again then until 11:30.

Q. Night or daytime?

A. That was in the morning, 11:30. I walked over to his office and he was there, and I said: "Well, what is the trouble?" "Oh," he said, "General Moreland and Colonel Pancoast were here last evening after you left and told me if I didn't get my police department built up to where it properly belonged, and showed some activity in what was really my duty, he was going to take it up with the Governor of the State." He said that he was going to move the troopers out on Friday regardless of whether he had any police department or not. This was a local situation and it had to be handled by the police department and not by him.

Q. This talk, as I understand it, took place about Tuesday, the 7th of July?

A. Yes, that was the 7th; yes.

Q. On a Tuesday?

A. Yes. I don't know whether it was a Tuesday or not. I think it was Wednesday.

Q. All right; go ahead.

A. I am not sure if it was Wednesday. Will you read the answer I just gave?

(The witness' long answer was read by the Reporter.)

Q. Now, go ahead.

A. Well, it was then a time for us to go to dinner—12 o'clock—the Mayor came in, the City Solicitor came in, the Service Director, Charlie Snyder, he came in. We all walked across the street but the dinner had been changed from the City Club to the Y. W. C. A. He had a large hall there where they could talk more private. So we went up and had our lunch.

Q. Will you give us some idea as to who were there?

A. Well, all the heads of the industrial businesses in Massillon was there. There were about 15.

Q. Can you tell us who some of them were? Can you give us what companies they were identified with?

A. Frank Heffenberger was there. He belonged to the Steel Casting Company. The Lock Washer was represented there by two parties. I don't know their names. They came into town. Mr. Crawford is the name of the President but these two men were new to me. The Pulp Company was represented there by Mr. Haiman. I don't know what the other men's names were but they were all there.

Q. Was Mr. Case there?

A. Yes, Mr. Case was there.

Q. Was Mr. J. G. Lester there?

A. What?

Q. Was Mr. Lester there?

A. I don't know whether he was there—Mr. Westropp was there.

Q. The lawyer?

A. Yes; Mr. Maier was there.

Q. That is another lawyer?

A. Yes, sir.

Q. Was Carl Meyers there for the Republic?

A. Yes.

Q. Can you tell us now what took place?

A. I think it was about 15 there.

Q. Tell us what took place.

A. Well, Mr. Case got up and he made the statement that we were about to increase the police department there —I don't know how many men were at that time—but he wanted to get as many men as we could. I am ahead of my story—Mr. Case got up and introduced me to the members of the heads of the different industrial sections—industrial businesses in Massillon.

Q. Go ahead.

A. Then I got up and announced that it was our intentions—the Chief's intentions that he wanted to build up the Massillon police department to 66 men.

MR. LAUTER: Has the witness fixed the date of this?

Q. This was the meeting of the Y. W. C. A. Will you fix the time, please?

A. I beg your pardon?

Q. He wants you to fix the date of this meeting in July.

A. The 7th.

Q. The 7th?

A. Yes. I am pretty sure it was the 7th.

Q. Go ahead.

A. Well, he said that the Chief had been unable to get the required men in the police department. That they wanted to augment the police department that he was going to have. That he informed me that he was going to get suitable timber and men that would not go off half-cocked at everything; and that if the heads of these industrials assembled there could see fit to send us some men from their institutions with the understanding that they would be returned to their occupations when the tour of duty was over, that the city—why, we would like to have them. I also informed them that these men would be used for one pur-

pose and one purpose only. That this organization was not a strikebreaking organization, and that they stood for law and order first, last and always. We were not to show any favoritism of anybody whatsoever.

TRIAL EXAMINER LINDSAY: Pardon me, Mr. Day, is this his story?

MR. DAY: That is his story.

THE WITNESS: Oh, yes. This is my speech before the meeting.

Q. Go ahead.

A. So I said: "If you have any available men, we would like to have them sent to us immediately," because the National Guard was going to pull out of Massillon within the next few hours—I wouldn't say within the next few hours, within the next day or so—the next couple of days. So I said that we would like to have you send those men to us this afternoon, if at all possible. So with that I sat down, and the Chief and the Mayor and the City Solicitor and the Service Director was all in accord with what I had said.

Q. Can you recall anything the Chief said? What was the substance of anything the Chief said?

A. The Chief?

Q. At that meeting; at that time.

A. The Chief said that if he could get the number of men required, why, he thought everything would be all right. He was glad that he had my assistance in getting the number of men.

Q. Can you recall anything that the Mayor said? Did the Mayor make a talk?

A. No. He only said: "We have Curley with us, and anything he and the Chief do, I will know will be for the best for the City."

Q. Did anybody else make any talks?

A. Yes; it was several fellows spoke.

Q. Can you recall anything that was said?

A. Well, I can't recall just what they said because—

Q. Did Carl Meyers make a talk?

A. Yes.

Q. Can you recall anything that Carl Meyers said or the substance of it?

A. Well, I just can't get it word for word but I do know that Carl said that the City was in a very bad condition; an awful lot of lawlessness going on within the City limits. Men were getting beat up.

TRIAL EXAMINER LINDSAY: Did you hear him say that?

A. Did I hear him?

TRIAL EXAMINER LINDSAY: Yes.

A. He said it to me. He said: "Wives and children are being molested." Stones were being throwed through automobiles. The telephone line had been cut. Oh, he went on and told a lot of rigmarole and stuff. He said it was "damn near time we were getting law and order in Massillon." That is what it amounted to.

Q. Prior to that time had you had any contact with Carl Meyers?

TRIAL EXAMINER LINDSAY: Just a minute. Will the Reporter read that last answer?

(The last answer was read.)

MR. DAY: Now, will the Reporter read my last question?

(The last question was read.)

A. No.

Q. After that meeting, what was the next thing that happened at which you were present?

A. What?

Q. After your Y. W. C. A. meeting and those things took place that you have been telling us about, then what is the next thing that happened? Did you see Chief Switter again?

A. Oh, yes.

Q. Where?

A. I went with him from the dinner and took a walk around, and I went back to the Chief's office about 2:30. We went into his office and sat down there, and talked the thing over.

Q. Anybody there besides you and the Chief?

A. Not at that time.

Q. Can you tell us anything that you can remember that was said either by you or the Chief?

A. Oh, we made up a tentative organization out about what he would like to have for his department.

Q. What did he say on that subject?

A. He said: "What do you think we ought to have for the number of police officers in Massillon?" "Well," I said, "if the National Guard is going out of here, and you have to take it over, I think 66 men would be what you want." I said, "That is what the National Guard Company consists of, and it will give you three platoons of 22 men each if you have them on duty." I said, "You will have to have an overlapping of an half an hour or so of the police department doing the shift. That is the only way you can get close to your eight-hour shift." We sat there discussing the organization. I said—he said: "You are going to by on the police department, are you?" I said: "Hell, no." I said: "I am not on the police department." I said: "I will help you organize it but I am going away." I said: "I will stay with you three or four days; maybe until you get things run smoothly, and then I am out."

Q. Before that had you been advised by the Chief or somebody as to how many regular police Massillon had had?

A. Yes.

Q. How many?

A. He had 18 regulars. Let me see, he had 18 regulars. He told me how many was in the offices out of the 18. I think he said there were three on the desk: That is where

the patrolmen telephoned in to. Bob Smith is the fingerprint man, and himself on the inside. Five men out of the 18. So he really had 13 men for active service or for duty besides his regular force.

Q. After you had that talk with the Chief what was the next thing you did with relation to policemen?

A. In the afternoon?

Q. Whenever it was.

A. Well, we sat in there talking and discussing. It came around 3 o'clock that afternoon. We walked out in the corridor of the City Hall. Gee! the thing was swarming with men. I said: "It looks like you are going to have a police department all right." So we discussed among ourselves, he and I, what we should have. And I said: "Well, Chief, I don't think any police department should have a man on any younger than 30 years of age."

Q. Why did you say that?

A. Well, because a man of 30 years of age can think more clearly and have a better head on him, and it would appear better to the public.

MR. LAUTER: I object to the question and move that the answer be stricken.

MR. DAY: I think it is a fair question. This is the man that helped select the people.

TRIAL EXAMINER LINDSAY: I think it is immaterial. Strike it from the record.

Q. All right. You say you told the Chief that you didn't think any man under 30 years of age—

A. Yes.

Q. Now, what else did you tell the Chief, and he tell you, at that time?

A. Well, we talked the thing over, and I said—and he said he thought that was right. Then we walked down and looked the men over, and lined them up—

Q. How many men were there?

A. I don't know; I didn't count them. Heck! I didn't count them.

Q. Can you give us your best judgment?

A. I should judge 60 anyhow.

Q. Did you know where they had come from?

A. I didn't. There wasn't any names or places or anything taken of the men where they came from.

Q. All right. Go ahead.

A. So we lined them up. I walked down and looked the men over. I said: "All you fellows under 30 years of age step forward." The Chief was down on the other end and he said the same thing. He said: "All you fellows under 30 step forward." Well, there was a few of them just under 30; so we looked those over. They were big husky fellows. So we put them back in line. Then I said: "All you married men with families step forward." Quite a few of them stepped forward. The Chief said: "We don't want you." Then we counted noses, and we had too many men. So we went down and we weeded out what we didn't want. And I weeded out the other end. And we counted noses again, and we had just enough to fill up the police department with 66 men. So those fellows we ran right in with the City Hall there in the room, and they were sworn in.

Q. Did you take the names of the men?

A. I didn't.

Q. Do you know what the names were?

A. No.

Q. Did you know before they were sworn in what plants or factories they had come from?

A. No, I didn't. Now I am lying there. I did know some of them. I did know some of them, but I didn't know many of them. They had all come into the town since I have been away. I am home in Massillon.

Q. Can you state whether or not if you knew they were going to be down in the City Hall?

A. No.

Q. Were you there when they were sworn in?

A. Yes.

Q. Who swore the men?

A. City Solicitor.

Q. Mr. Hardman?

A. Hardman. I was in the vicinity. I was not right in the room, I was in the City Hall when they were sworn in. I was not right in the room, they took them in a side room and swore them in. I was not—

Q. I want to ask you now whether anybody connected with Republic Steel Corporation had anything to do with your becoming interested in this piece of business?

A. No, sir.

Q. Or with the men that were selected?

A. No, sir.

Q. Or the manner of their selection?

A. No, sir.

Q. Now, after they were selected, what was the next thing that happened?

A. Put them out on duty, the chief took, as soon as they were sworn in, the chief counted out so many men and said, "You go on duty right away."

Q. Were the men supplied with uniforms and things like that?

A. In fact they didn't have anything, didn't have a night stick or revolver, there wasn't even a piece of equipment in the place to even hand to them. They didn't have no guns, d'dn't have no ammunition that I know of. I didn't hear of anything even given them, they didn't even have a night stick when I was there. After he had the men, he had nothing to give them. Wasn't no stick, or wasn't a revolver in the place, so he told me, I don't know.

Q. Do you know whether or not these men were at any time supplied with uniforms?

A. No.

Q. Were they supplied with night sticks?

A. Yes.

Q. Do you know when they got their night sticks?

A. I think the night sticks came in on Friday or Saturday afternoon, I don't know what date that was. I think it was Saturday afternoon, if I am not mistaken.

Q. Well, now, you know about the trouble out at the plant, at CIO headquarters on that Sunday night?

A. Yes.

Q. When you are talking about Friday or Saturday, do you mean the Friday or Saturday before that Sunday night?

A. Yes. I was only with them—I wasn't with them a week.

Q. All right. Do you know whether or not the men were supplied with revolvers?

A. All of the men?

Q. These new men?

A. You mean when we swore them in?

Q. No, at any time?

A. Oh, yes, some of them were.

Q. Do you know how many of them got revolvers?

A. Twenty.

Q. Do you know when they got them?

A. From the chief of police.

Q. No, when did they get them?

A. Well, now, wait a minute, I don't know. The Chief told me that the revolvers were in Canton, and one afternoon he told me that, he said, "The revolvers were in Canton, Ohio, and hadn't come over to Massillon as yet." He had word that they were in Canton, but the Canton hardware—they were bought—they were ordered and bought—they were ordered from Massillon Hardware Company. Canton Hardware Company and Massillon Hardware Company I guess are one. I think they are.

Q. Well, do you know when those men or any of those men got those revolvers that we are talking about?

A. They was issued at different times by the chief.

Q. Well, now on Sunday night July 12th, we have been talking about—we have been taking testimony about that. Do you know whether or not any of these men had revolvers provided for them, before that?

A. Some of them, yes.

Q. Can you give the trial examiner any estimate as to how many of them were provided with revolvers before July 12th?

A. July—

Q. July 11th?

A. No, I can't do that because I don't know. He issued every revolver.

Q. State whether or not you had anything to do with issuing of revolvers or uniforms or night sticks?

A. I had not.

Q. Now, you just told us that the men were sworn in and then you said they were sent to their posts of duty?

A. Yes.

Q. Who sent them to their posts of duty?

A. Chief of police. That is, we—he and I worked out a post of where they should go, that is the detail, together.

Q. What is the next thing that happened then that you saw or participated in?

A. I don't know where I am at.

Q. Well, you just tell—

TRIAL EXAMINER LINDSAY: The witness does not know where he is at.

THE WITNESS: No, I can't—

MR. DAY: I think I can help him there.

TRIAL EXAMINER LINDSAY: Just a minute, read the record.

(The record was read by the Reporter.)

A. Oh, it was just generally understood between the Chief and I that—

TRIAL EXAMINER LINDSAY: Now just a minute, Mr. Curley. We do not care a thing about what was generally understood. We want the facts here.

THE WITNESS: All right.

TRIAL EXAMINER LINDSAY: Now you tell the facts, the statements that he made to you and what you said to him.

THE WITNESS: All right.

TRIAL EXAMINER LINDSAY: You are under oath.

THE WITNESS: Yes, sure, I understand.

TRIAL EXAMINER LINDSAY: And that is what we want.

THE WITNESS: That is what I want to testify.

Q. What I am trying to find out is, what is the next thing you did in connection with this matter you are telling us about, before this Sunday, July 11th? Did you do anything?

A. Oh, yes, I assisted the Chief in —

Q. What did you do?

A. I assisted the Chief in advising him about practically everything—

TRIAL EXAMINER LINDSAY: Well, strike that out. That doesn't mean a thing. Tell us what you told the Chief, if you told him anything. Tell us about it.

Q. (By Mr. Day) Did you have any further talk with the Chief after the men were sworn in and sent to their posts of duty, and before Sunday, July 12th?

A. Oh, yes, yes. We went down—we went down to the viaduct together, he and I; rode around in his car, took in the terrain of the land, looked over the different things. I advised him on several things that I thought would be helpful to the department if he would do them.

Q. Can you remember what any of them were?

A. Yes.

Q. Tell us about it.

A. They were, under the viaduct or bridge it was very dark, in under there, going across, you couldn't see from one end of it to the other. There had been rumors floating around that viaduct bridge was going to be blowed up, and I don't know what all.

So I said, "The best thing to do is to put some flood lights down in under there, light it up," and which was done. And we went out and went around together, he took me around and showed me all of the different posts where the pickets were on, drove all the way through and out past the coke plant, out through a side road, back around the town. We counted the number of pickets that were on, so on and so forth.

Q. And what did you discover as to the number of pickets?

TRIAL EXAMINER LINDSAY: Strike out of the record "so on and so forth."

Q. (By Mr. Day) What did you discover as to the number of pickets?

A. We discovered that the day I went around with him, there were 86 pickets from the No. 1 gate until we hit what we call Patch Road, known as the Patch out there, 86 pickets on.

Q. Where is this Patch Road? Runs off of what?

A. It runs north and south about a mile west of the Republic Steel Company.

Q. 86 pickets, did you say, at No. 1 gate?

A. No, on all posts.

Q. On all posts?

A. 86, from No. 1 gate until Patch Road.

Q. All right; what day do you think it was, or was it more than one day that you drove around with the Chief as you have described to us?

A. Oh, that was on a Saturday—or wait a minute, no, I will say—just let me think a minute. On a Friday.

Q. Friday?

A. Yes, the 10th—wait a minute, the 9th.

Q. Friday the 9th?

A. It was on the 9th.

Q. All right, now did you see the Chief on Saturday the 10th?

A. I saw him, yes.

Q. Well, could you remember anything that took place on Saturday the 10th?

A. No.

Q. You say you can, or cannot?

A. I cannot.

Q. All right.

A. I can on the 9th.

Q. Now that brings us to another part of the testimony.

MR. DAY: Are we going to have a recess? It will take sometime to detail that. I said that that brings us up, now, to another—

TRIAL EXAMINER LINDSAY: Go right ahead.

MR. DAY: All right.

Q. Now coming to the 11th, Sunday, did you see the Chief on that Sunday?

A. Oh, yes.

Q. Where did you see him?

A. Down there at the—

Q. At his office?

A. Yes.

Q. What time of the day?

A. Oh, about 1 o'clock.

Q. About 1 o'clock?

A. Yes.

Q. In the afternoon.

A. Sunday afternoon.

Q. Did you then have a talk with him?

A. Yes.

Q. Can you tell us what that talk was?

A. Well, we went out, that was about the time they changed the pickets at 2 o'clock, or between 1 and 2 they generally congregate, or I meant to say the police department changed the shifts. Between 1 and 2, they generally congregated there at the City Hall. I just came back from lunch, I went in. The Chief was there.

So the policemen got started, while we were there talking, they got started to go out on their posts, or beat, and the Chief and I got in his car and we rode out down by the Union Drawn Steel, where there was several men posted there. We drove from there on down to the Republic Steel, saw that the men were all there. And then we drove around, went over to the CIO meeting that was over in the Oak Knoll Park, Massillon.

Q. How long were you there?

A. Oh, we didn't stop there at all. I wanted the Chief to stop and get out and go over, and see what the boys had to say, and he would not stop.

Q. Where did you go from there, then?

A. Well, we drove around there two or three times, he would not stop. He would go down the road and up another, a couple of blocks, then back around the side.

Q. Was he driving the car?

A. He was driving the car, yes.

Q. Did you say it was his car?

A. It was his car.

Q. All right, go ahead.

A. He would not stop. I says, "Let's go over, see what the boys have got to say." No, he would not stop. So we drove on back to the City Hall.

Q. And what time did you get there?

A. I guess that was—I beg your pardon?

Q. About what time was it that you got back to the City Hall?

A. That was, oh, about 3:30 in the afternoon.

Q. All right, go on.

A. Well, we just drove up to the City Hall and I got out, he left me out. He said, "I would like to take my wife for a little ride." "Oh," I said, "I can't see any harm in that." I said,—he went away on the 9th and didn't get back—the 9th of July, and the 10th of July he said he was going to be downtown.

TRIAL EXAMINER LINDSAY: Who are you talking about?

THE WITNESS: The Chief of Police, the 10th of July he said he was going to be downtown and would look after the traffic on the streets down there, that was Saturday night. The night of the 9th why he told me he had gone to Millersburg and got refreshed and felt much better than he had. Saturday night I didn't see him at all.

TRIAL EXAMINER LINDSAY: We will have a recess.

(Recess had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

Q. At the time of the recess you were telling us about a talk you had with Chief Switter on the afternoon of Sunday, July 11th. Will you go on ahead from there, please? You said that Chief Switter said something about going somewhere with his wife and daughter.

A. Can I have my previous answer read?

Q. You said something about going somewhere with his wife and daughter.

A. Oh, I got it.

Q. All right.

A. About 3:30 that afternoon, why, we got back to the City Hall. She said she would like to take a ride—his

wife and daughter—I said: "Well, everything looks to be O. K. around here. I don't see any disturbance. Everything seems to be all right. If you want to take a ride, I guess you can." He said: "You can look after things all right." I said: "Yes." I said: "Nothing much to look after now. The shift is changed." But I said: "In case you don't get back," I said "I wanted it distinctly understood that I want off tomorrow night." I said: "The American Legion and the Salvation Army are having doings down on the Athletic Field for the Salvation Army to send the poor children to camp." And I said: "The Canton band is coming over and the drum corps and several other different organizations, and they promised to put on a West Point Review, and I promised to be the Reviewing Officer for the American Legion." He said: "O. K." With that out I went, and I didn't see any more of him until 2 o'clock that Monday.

Q. What did you do after that?

A. I went on downtown walking around; drank a couple of sodas, I guess. And I stayed around, I guess, until about 9:30. I walked over to the City Hall again; the Chief wasn't there.

TRIAL EXAMINER LINDSAY: Can we get down to something that is material instead of all this?

MR. DAY: We are going to get something that is material very soon.

Q. Go ahead.

A. So the boys were getting ready to go on the 10 o'clock shift. They all came in and reported for duty. A lot of rumors flying around there that in the afternoon meeting which they had at Oak Knoll Park, and they were going to come down and clean up the Police Department. I said: "Hell; I have heard that so often—"

MR. LAUTER: I move that remark be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, they may be stricken.

Q. State whether or not you heard any rumors to the effect you just testified before that you went out to the location of the Republic plant that night.

A. I did.

Q. Now, go on, tell us what happened.

MR. LAUTER: I object to the question and move that the answer be stricken.

TRIAL EXAMINER LINDSAY: Yes, it may be stricken.

MR. DAY: Exception.

Q. What did you do then?

A. Well, the men came in to go out on the 10 o'clock shift. They all came to me—I didn't know—for orders. They said: "What will we take along?" I said: "Hell, there ain't anything to take along." I said: "There is some gas in back of the Sergeant's desk there. Some gas guns." Outside of that I didn't see anything there.

Q. What did they take along with them on the 10 o'clock shift when they left that you saw?

A. They took everything we had.

Q. What did that consist of?

A. There was tear gas—I think there was five tear gas guns and a machine gun, or a sub-machine gun—a pop gun sub-machine gun.

Q. What is a sub-machine gun?

A. A sub-machine gun is a gun that can shoot over 45 bullets, or it can shoot bird shots; most anything in it. It is a very short gun.

Q. About how many feet long is it?

A. Oh, about two feet or two feet and a half.

Q. What is the difference between a sub-machine gun and a machine gun?

A. Well, a machine gun uses 30-30 bullets, long

range; two miles and a half striking distance. A sub-machine gun is only for short range work.

Q. This is what they had, a sub-machine gun?

A. A sub.

Q. Did the shift take that along?

A. What?

Q. Did the shift take that along?

A. Yes.

Q. Where did you go then?

A. I went along on South Erie Street. Looked over the different posts or beats—if the police were on; to see if they were there. Eventually I worked over to the west side of the viaduct on Oberlin Road—on the corner of Oberlin Road and Cleveland Avenue.

Q. About what time did you get there?

A. Why, I should judge about 10:15.

Q. What, if any, effect—what did you observe when you got there?

A. I stayed talking to the fellows that were on that beat. Observing traffic coming in and out of the mill. The men—our shift had changed, and the men were then coming into the mill to go to work.

Q. Where were the men on the beat—the policemen on the beat—where were they?

A. There were four of them stationed on the corner of Cleveland Avenue and Oberlin Road in front of the office building at that time.

Q. Can you tell us who they were?

A. Shimke was one. Blanchard was one. It is hard for me to get these names because they are new men.

Q. What kind of a policeman is Shimke?

A. A special. Holden was another. There is another one I can't think of it.

Q. Go ahead.

A. I was observing what was taking place, talking to

the boys, and all at once I looked up and saw the traffic on the bridge not coming over.

Q. Traffic from what direction?

A. From south over the bridge across the viaduct. So I had my car standing there pointed toward Erie Street. I immediately got in the car and went to the east end of the viaduct to ascertain what was the trouble.

Q. When you got there what did you do?

A. Well, there was two cars mashed up there in the entrance to the viaduct. The cars were No. — I had the car number. I took both numbers then.

Q. Have you got them with you?

A. I wrote them down and put them in my pocket. Yes, they are in my pocket. One was a Pontiac coach, P 216 D. And the other one was a Nash, 1930, M-812-Z.

Q. What, if anything, else did you see there?

A. I saw two men handcuffed together standing there. The cars were mashed. I asked what had been done, if they had telephoned for a tow car. They said they had. Just at that the tow car drove up and I got out to assist them, to assist the tow car in taking away the debris from in front of the viaduct.

Q. What, if anything, else did you see out there besides the cars you told about?

A. Well, I saw quite a number of broken cars in the vicinity that had been broken by stone—windshields, so on and so forth, that they broke up—I saw them after they were broke. I did not witness—

Q. About how many cars did you see with broken windshields to the best of your knowledge?

A. Well, I only saw three myself. There was more up the street, but I only saw three.

Q. Did you observe whether there were people around there, and if so, to what extent?

A. Oh, it was jammed with people.

Q. What were they doing?

A. Just mingling around in there. However, I asked

policeman Schlinger what was going on there, and he said one of—when these cars jammed together about 30 fellows charged the police department, there. I said, "Well, what happened?"

He said, "We just got in with our night sticks and broke them up." I said, "Did you do any shooting over here?" "I thought I heard a couple shots."

He said, "Yes," he said, "I ran one of those fellows down into the canal," and he said, "I shot up—or shot into the ground when I was running, to scare him, but he ran through the canal and got away from me."

Q. About what time of night was that?

A. That was about 10—that was about 10:30.

Q. What next did you see?

A. Well, that was all cleared up, then. It was not all cleared up, because they were going up the street, doing a lot of damage.

Q. What did you do?

A. I went on back to the west end.

MR. LAUTER: Will you read the last answer?

(The last answer of the witness read by the Reporter.)

MR. LAUTER: I move the answer be stricken out, "they were going up the street doing a lot of damage".

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. (By Mr. Day) Did you see them doing any damage?

A. I did not.

Q. All right, then, what did you do?

A. I went back over to the west end of the viaduct. Went back over to the corner of Oberlin Road and Cleveland Avenue, stopped there. Ran the car up about halfway and got out.

Q. About what time was that?

A. Oh, that was about—I guess then I think it was

about five or ten minutes of 11:00, when I got back there.

Q. All right, go ahead.

A. And as I got up there why Officer Kelley and Fellabaum and Henderson were standing there and said there were a couple of drunks up in there that were getting unruly and they ought to be taken out.

I said, "Well, where are they now?" "Well," he said, "we haven't saw them for sometime." Just at that point, quite a crowd started coming out of the CIO Hall.

Q. About how far away were you, in feet, from the CIO Hall?

A. About 100 feet.

Q. What, if anything, did you observe as to the number of people up around the CIO Hall?

A. Oh, there was quite a gathering there.

Q. Can you give us some idea about how many?

A. I should judge about three—about 300, 350 and 400 people.

Q. What police officers were there when you were talking, the way you are telling us about now?

A. Well, there was Creger, there was—wait a minute—there was Kelley, there was Fellabaum, there was Kraft, there was Ickes, there was Henderson, there was—

Q. About how many altogether? You have named some of them.

A. Well, I am trying to tell you the names.

Q. That is enough names.

A. All right.

Q. Can you tell us—

A. I should judge about eight or ten.

Q. Now, you say you saw a crowd coming, now just tell us about that.

A. Now, we were standing there talking when I went back, and a car drove in there with some young fellows in.

Q. From what direction did the car drive?

A. Across the viaduct, they came across from the east

end of the viaduct to the west, and up to the south on Oberlin Road, drove up into where the police officers were.

Q. On what street?

A. Cleveland Avenue.

Q. All right, then what happened?

A. Well, one of the officers stopped them, I don't know which one any more. They were stopped and asked how they got in there. They said they drove in. One of them—one of the officers said, "Where are you going?" And I was standing a little ways, I heard one of the kids say, "None of your damn business."

Just at that, Officer Kelley came over and he looked in the car and he says, "Why, every damn one of them are from Canton, Cap." And I said, "They are?" And he says, "Yes."

Officer Kelley was a former deputy sheriff and he knows practically everybody in the county, I guess. He knew these boys. And I says, "Where are you going?" They didn't have any explanation to make, so Officer Johnson and Joe Packer was put in charge of them and they took them down to jail to question them.

Q. What next happened out there where you were?

A. I beg your pardon?

Q. What next happened out where you were, there?

A. Well, the crowd—

MR. LAUTER: Just one second. I want to move that all of the testimony with respect to the occupants of the car from Canton be stricken from the record.

MR. DAY: Oh, no.

MR. LAUTER: No connection with any issues in this case.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

MR. DAY: Note an exception.

Q. (By Mr. Day) What is the next thing that happened?

A. Well, then the crowd commenced to get larger, at

CIO Hall, and Kelley and Henderson and Fellabaum and Ickes and I got our heads together and I said, "Don't you think it would be a pretty good idea to go up and tell those fellows that they will have to abide by the proclamation that was handed down by the sheriff of Stark County?"

Q. Who said that?

A. I did.

Q. All right, go ahead.

A. So I said, "We do not want to have any trouble here," I said, "it would be a good idea to break it up."

So Henderson, he started forward, and he turned around and he said, "Come on, Cap." And I said, "Hell, I ain't got any business up there. I am not deputized to go up in there."

And he says, "You are deputized now." He says, "You are going right along up." I says, "All right, if that is the way you feel about it, I will go up and try to talk to the boys." So we started forward.

Q. Now, just a minute. At that time how were you dressed?

A. Like I am now, with the exception of my coat was off.

Q. And what colored shirt did you have on?

A. Light shirt.

Q. What colored trousers?

A. Dark.

Q. And what, if any—

A. I had a cap on, I had a green cap on.

Q. Were you armed?

A. I was not.

Q. What did you have?

A. I didn't have anything.

Q. All right.

A. I walked up, started to walk up, and I got about fifty feet ahead of where the officers were lined up, at a little street intersection where we always keep the officers lined up and where the pickets paged—that is, were going

to and from the pickets changed, and that was a kind of a place where they turned in their cards when the other pickets went out on their touring duty, that is, the CIO pickets.

So I had got about, oh, I guess about fifty feet from there, I wasn't looking for any trouble—

MR. LAUTER: I move that the remark of the witness, "I wasn't looking for any trouble" be stricken out.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. (By Mr. Day) Go ahead.

A. I walked about fifty feet forward, so as I got about fifty feet ahead, why I was met with "You God Damn dirty sons-of-bitches" and bingo, out came a bunch of rocks, clubs, stones and bingo five shots, one right past my head.

Q. Who said this, about the sons-of-bitches?

A. The men up around the CIO Hall.

Q. And where did the rocks come from?

A. Around the CIO Hall.

Q. Where did the shots come from?

A. From on the step of the—in front of the front door of the CIO Hall.

Q. How many shots did you see?

A. Five.

Q. Could you give an opinion as to what kind of shots they were, or from what guns they were fired?

A. Well, revolver—

MR. LAUTER: I object to that question. Just one second.

MR. DAY: Just a minute, on that. I can qualify this man from his experience.

TRIAL EXAMINER LINDSAY: Oh, he may pass his opinion.

MR. DAY: What is that?

TRIAL EXAMINER LINDSAY: He may pass his opinion.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

(The last question was read.)

A. Yes. An automatic revolver.

Q. All right. Then what happened?

A. Why, I immediately dropped to the ground and Henderson did also, and then all Hell broke loose.

Q. Well, just tell us what happened.

A. Well, the firing started, I was lying on the ground. I don't know, I laid down. The firing then started from both sides and tear gas guns were going, Fellabaum was back with a machine gun loaded with bird shot, he started that barking. The gas—that was fired for effect only.

Q. Now, just a minute, do you know how—do you know what course was taken by the bird-shot that was fired from this sub-machine gun?

A. Well, when I saw it, that was the fire up there, when I saw the flash of it—

Q. In what direction was it?

A. They were shooting in the air over the CIO Hall.

Q. All right, now, what, if anything did you have?

A. I didn't have a damn thing.

Q. You had nothing?

A. I had nothing.

Q. All right, go on, tell us about it then? How long did that keep up?

A. Oh, that kept up for—well, the first round kept up for about ten minutes, you might say. It gave me a chance to crawl back from where I was.

Q. And what, if anything, did you observe as to where the shots came from?

A. Well, they were shots being—when I got back I could observe them, that they were coming from the north,

and they were coming from the east, and they were coming from the west.

Q. And were they coming toward or away from the policeman you had—

A. The flashes were coming towards us, from the gun flashes—that is all I could determine was from the gun flashes.

Q. You say they were coming from the east?

A. Yes.

Q. Whereabouts from the east?

A. Well, a corn field down in there, B & O or C. L. & W. Railroad, I don't know what it is. They were down there on that bank. Then there were some over back of an alley along in there by the—back of the—it is not an alley, it is a clearing, you might say, goes right directly back of the Republic Steel Company's office, in the rear of it. That is this way, now.

Q. When you say "this way"—they were coming from the west?

A. Yes.

Q. Could you see, from where, from the west? Out of what?

A. Grass. Buildings around there, I don't know. I couldn't say. I could just see flashes.

Q. Do you know what the policeman were shooting?

A. I don't.

Q. Then what happened?

A. I know the policemen back there had—there were five tear gas guns back there, yes.

Q. Well, do you know whether or not the policemen were shooting lead?

A. That I couldn't say.

Q. Now, you told us about Fellabaum?

A. Yes.

Q. Now, did you shoot anything during that engagement or fracas there?

A. Yes.

Q. What?

A. After I got back.

Q. What did you shoot?

A. I got a tear gas gun when I got back.

Q. What did you do after you got the tear gas gun?

A. I laid down a barrage.

Q. Where were you when you laid down the barrage?

A. Middle of the road.

Q. How far from CIO headquarters?

A. Oh, about 100 or 150 feet.

Q. And where did you shoot these tear gas projectiles or whatever they are?

A. Oh, I shot them about—oh, I guess about 100 feet in the air, and up at the CIO headquarters.

Q. How do those work? This is for my own information. I don't know whether the Examiner knows or not. I don't. How do they work? Do they burst in the air, or burst after they land on the ground?

A. What you have got to do, you have got to shoot them about 100 or 50 feet in the air, so when they come down they are already—it gives you the effect of the gas, you see, when they light. If you shoot them on the ground, it wouldn't go up.

Q. Does the gas start to escape from the bombs before they hit the ground?

A. That is right.

Q. Oh, I see. And about how many of those did you use?

A. There is a fuse on the end of it, end of the gas gamb, which ignites, and that is what sets it off.

Q. About how many did you shoot?

A. Well, I didn't have very many. I guess I shot about eight all evening.

Q. Where did you get the tear gas gun that you used in the manner you have described?

A. From the car.

Q. One of the police cars?

A. Yes.
Q. Did they get any ammunition there that night?
A. Did I?
Q. Yes, did you send for any?
A. Ammunition, sure, I sent for tear gas.
Q. Where to?
A. Union Drawn Steel.
Q. About what time of the night was that?
A. Oh, about 11:30.
Q. And you say you sent to the Union Drawn Steel?
A. Sure.
Q. That is one of the—
A. I called them up.
Q. You called them up?
A. Yes.
Q. Where did you telephone from?
A. Republic Steel office.
Q. The main office?
A. Yes.
Q. Did you get somebody on the telephone?
A. Yes.
Q. Do you know who you got?
A. I don't.
Q. What did you tell him?
A. I told him who I was and I was in trouble, and I would like to know if they had some tear gas they could let me have; and they said they had a small amount. I asked him if I could have it; they said I could if I sent for it. They said they would have it ready.
Q. Did you send after it?
A. Yes.
Q. Whom did you send after it?
A. A police cruiser; one of the cruisers there.
Q. Did it bring it over?
A. Yes, it was there.
Q. What?

A. Yes, it was there.

Q. Did you have any conversation there with anyone at the Union Drawn?

A. No.

Q. Did you have any conversation with anybody at the Union Drawn with relation to tear gas?

A. No.

Q. Now then, you have told us about this shooting back and forth, and about your getting this tear gas from Union Drawn. Now, what next happened?

A. Well, the sheriffs was in there, too. The deputy sheriffs were there, too, and a few deputy sheriffs came along.

Q. What time would you say the deputy sheriffs got in?

A. I saw them right afterward; who they were, I don't know. I didn't know them.

Q. Did they come there after the firing had begun?

A. Yes.

Q. Can you tell us about when that was?

A. Well, I observed that as soon as I got back—after the shooting started I observed some deputy sheriffs but I don't know where it was coming from.

Q. About how many were there?

A. I don't know; I just noticed them there; their uniforms.

Q. Did you notice anybody else coming on the scene?

A. No.

Q. Were there any policemen from Canton?

A. Yes; they came in after on; after the fighting—I looked across the bridge—I didn't know what it was then. When they got up to us with the sirens going—when they got up to us I saw it was an armored car; an armored cruiser.

Q. What time did they get there?

A. I should think it was 11:30 or a quarter to 12; something like that.

Q. What, if anything, did you see the Canton police do after they got there?

A. They got out and kind of observed things. The Canton Police Department took and loaded up all the tear gas—the guns with the tear gas and got in their armored car and drove up through Cleveland Avenue.

Q. Now, did anybody else come on the scene besides the deputy sheriffs and the Canton police?

A. Yes; the National Guard came in 20 minutes later.

Q. About how many of the National Guard men came there?

A. About 16.

Q. How did they come?

A. Pardon?

Q. How did they come?

A. On the trucks.

Q. What, if anything, did you see them do after they got there?

A. Well, I don't know; I didn't go up in. They went up in—they followed the armored truck right up into the C. I. O.—past the C. I. O. headquarters, and past the vicinity—over there up in—I didn't go in there; it was gas. I had a bad pair of eyes and I didn't go up in there immediately.

Q. What did you do?

A. After they came?

Q. Yes.

A. I went back.

Q. Back where?

A. Back where we were formerly on our line. Told the boys to stay where they were; they didn't have any business there. Just stay back on the line where they formerly were. Our police officers stayed back there, and finally policemen Schlinger came over on the other side and

said: "We have got to have some men on the other side for help." I said: "What is the matter there?" He said: "It is congested there; we can't get the people to move away."

Q. Where was Policeman Schlinger?

A. He was stationed on the corner of Erie and Oberlin Road.

Q. Then what did you do?

A. Then Fellabaum and several of the officers went back with him. I guess they broke up the crowd and got the traffic regulated again, but I didn't hear anything more about it.

Q. About how many did you see there?

A. Where?

Q. Out where this trouble had happened?

A. I stayed until the next morning; about 8 o'clock. Yes, 8 o'clock.

Q. When did you next see Chief Switter?

A. About 2:30 in the morning.

Q. Where did you see him?

A. I saw him where we were standing; at the intersection. At the intersection of the road.

Q. Did you have a talk with the Chief?

A. Yes.

Q. About that time?

A. Yes.

Q. What did you say and what did he say?

A. Well, he said: "Cap." he said, "I knew this damn thing had to come sooner or later." He said, "I am damn glad it is here and over." He said, "They have been asking for trouble right along." And he said, "They got it." And he says, "There is plenty more where that come from. If they want it I am going to give them a lot more." I said, "Listen, I am sorry this thing had to happen the while I was on the shift." So I left him and went on back into the Republic Steel office and got a drink of water back there.

I came out and Captain Williams was standing in front.

Q. Who was he?

A. He was the National Guard Commander; Commander of the National Guard.

Q. All right.

A. He said: "Major, come on and walk along with me up. Let us see what is going on." He had a lieutenant in command of the men up there then. Deputy sheriffs and the National Guards were up there making arrests. Loading them in the Army trucks and bringing them out there. So I walked along with him; I don't know what street it was. Beyond Cleveland Avenue, but it is just beyond Oberlin Road and the first street over. We stayed there and talked while they were bringing the men out. I didn't know where they were getting them; I didn't go out to see. They were rounding up the men and hauling them away in the Army trucks—taking them to jail, I guess. Just as they were doing that, Chief Switter walked up to one of the cars and said: "You God damn sons-of-bitches; you asked for this and you got it; and there is plenty more where this came from."

Q. To whom did he say that to?

A. People in the Army truck.

Q. People in the truck?

A. Yes, and said: "You are getting damn brave." That is all that was said.

MR. PONTIUS: I guess that is all.

Cross Examination

Q. (By Mr. Lauter) Major Curley, I show you what has been marked as Exhibit No. 8.

A. Yes, sir.

Q. And ask you whether or not you are the individual in this photograph with a tear gas gun in your hands lying thrown on the ground (indicating)?

A. Yes.

Q. Is that the tear gas gun that you used that night?

A. I beg your pardon?

Q. Is that the tear gas gun that you used on July 11th?

A. Yes.

Q. Do you recall when that picture was taken?

A. Yes, taken the next morning about 10 o'clock.

Q. And you posed for the photographer?

A. Yes.

Q. Did you have any conversation with any of the photographers? A. No.

Q. What happened? How did you happen to pose for that photograph?

A. Oh, yes, I knew the photographer.

Q. Who was the photographer.

A. He was from Akron.

Q. What was his name?

A. I can't tell you his name but I met him several times in different encampments of the Penn Plan Tourists.

Q. What conversation did you have with him?

A. He just asked me if I would let him take a photograph and I said: "Sure."

Q. Is that all the conversation there was?

A. He wanted to know if I would pose for him at the C. I. O. hall and I said: "Hell, I am not standing around here to get my likeness taken."

Q. Did you tell him anything that happened the night before? A. No.

Q. Major Curley—

MR. PONTIUS: I want to ask Major Curley one more question.

MR. LAUTER: Yes.

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